PALACE OFFICE RECORDS

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PART IV

Section I-C.

IFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. C. 32—Co. 2-51-2, dated Bangalore, the 10th April 1951.

ered that the following notifications of the Government , Ministry of Commerce and Industry, be re-published in the *Gazette*, for general information of the public :—

CATIONS—

No. 101/19—Tex. 1/48, dated 10th September 1948.
No. 15—Tex. 1/49, dated 13th August 1949.
No. 101/19—Tex. 1/48 (IV), dated 10th September 1948.
No. 15—Tex. 1/49 (11), dated 28th March 1950.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF INDUSTRY AND SUPPLY.

NOTIFICATION.

New Delhi, the 10th September 1948.

No. 101-19—Tex. 1/48.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to make the following Order, namely :—

1. (i) This Order may be called the Cotton Textiles (Control of Movement) Order, 1948.

(ii) It extends to all the Provinces of India.

(iii) It shall come into force at once.

2. In this Order, unless there is anything repugnant in the subject or context—

(*a*) "Apparel" includes a garment or other article of personal or domestic use made wholly or principally from cloth other than knitted cloth but does not include old or used garments;

(*b*) "Carrier" includes a railway administration or any other person engaged in the business of transporting property from place to place by land, air, sea or inland navigation;

(*c*) "Hosiery" means stockings, vests, drawers, or other articles of personal use made from knitted cloth or knitted from yarn;

(*d*) "Cloth" and "Yarn" have the same meaning as they have in the Cotton Textiles (Control) Order, 1948;

(*e*) "Textile Commissioner" means the Textile Commissioner, the Additional Textile Commissioner or the Joint Textile Commissioner appointed by the Central Government and includes any officer authorised by such Textile Commissioner to exercise all or any of the powers of the Textile Commissioner under this Order.

3. No person shall transport or cause to be transported by rail, road, air, sea or inland navigation *from any place in India to any other place therein* any cloth, yarn or apparel except under and in accordance with—

(i) a general permit notified in the *Gazette of India* by the Textile Commissioner; or

(ii) a special transport permit issued by the Textile Commissioner.

4. The Textile Commissioner may by order in writing direct any carrier to close the booking and transport of cloth, apparel, hosiery or yarn or any class or description thereof by rail, road, air, sea or inland navigation between such places and for such period as may be specified in the order, and such carrier shall comply with the order.

5. The Textile Commissioner may, by notification published in the *Gazette of India*, prohibit the transport of cloth, apparel, hosiery or yarn or any class or description thereof from any place within such area as is specified in the notification to any place outside that area by rail, road, air, sea or inland navigation e[illegible] under such conditions, limitations and restrictions as may be so specified.

*Added by Notification No. 15—Tex. I/49, dated 1st Octobe 1949.

6. A carrier may require any person offering any package for transport to make a statement in writing declaring its contents, and may refuse to accept for transport any package unless such declaration of its contents is made.

7. The Textile Commissioner may with a view to securing compliance with the provisions of this order—

(*a*) require any person to give information to his possession with respect to any stock of cloth, yarn, apparel or hosiery in his possession or in the possession of any other person;

(*b*) inspect or cause to be inspected any book or document belonging to or in the custody of any person;

(*c*) enter and search or authorise any person to enter and search any premises or search or authorise any person to search the luggage of any person travelling in a railway train, vessel or any public conveyance, and seize any cloth, apparel, hosiery or yarn in respect of which he has reasonable cause to suspect that a contravention of this Order has been committed.

8. The Textile Commissioner may, by notification in the *Gazette of India*, prescribe the manner in which any applications for a special transport permit under this Order shall be made.

9. Any court trying a contravention of any of the provisions of this Order may, without prejudice to any other sentence which it may pass, direct that any article or articles in respect of which it is satisfied that the Order has been contravened, shall be forfeited to *His Majesty*.

10. The Cotton Textiles (Control of Movement) Order, 1946, is hereby repealed: provided that anything done or deemed to have been done under any provision of the said Order shall be deemed to have been done under the corresponding provision of this Order, and any reference in any instrument to any provision of the said Order or any notifications issued hereunder shall be deemed to be a reference to the corresponding provision of this Order, or any notification issued thereunder.

K. SEN. *Deputy Secy.*

*——— † Substituted for the words "the Central Government" by Notification No. 15—Tex I/49(i) dated 22nd January 1949.

H

MINISTRY OF INDUSTRY AND SUPPLY

NOTIFICATION.

GENERAL PERMIT NO. 1.

Bombay, the 13th August 1949.

No. 15—Tex. I/49. In pursuance of sub-clause (i) of clause 3 of the Cott Textiles (Control and Movement) Order, 1948 and in supersession of the Texti Commissioner's General Permit No. 1, dated the 10th September 1948 contained Notification No 101-19—Tex. I/48(i), dated the 10th September 1948, I herel notify for public information the following General Permit :—

* "1. For the purpose of this General Permit, India shall be divided into tl following Zones, namely :—

(1) Bombay Zone comprising the State of Bombay.
(2) Madras Zone comprising the States of Madras and Coorg.
(3) Orissa Zone comprising the State of Orissa.
(4) West Bengal Zone comprising the State of West Bengal.
(5) Assam Zone comprising the States of Assam, Manipur and Tripura.
(6) Bihar Zone comprising the State of Bihar.
(7) The Uttar Pradesh Zone comprising the State of Uttar Pradesh.
(8) The Madhya Pradesh Zone comprising the State of Madhya Pradesh.
(9) Delhi Zone comprising the Delhi State.
(10) Punjab Zone comprising the State of Punjab.
(11) Ajmeer Zone comprising the Ajmeer State.
(12) Saurashtra Zone comprising the State of Saurashtra.
(13) Vindhya Pradesh Zone comprising the State of Vindhya Pradesh.
(14) Rajasthan Zone comprising the State of Rajasthan.
(15) Madhya Bharat Zone comprising the State of Madhya Bharat.
(16) Patiala and East Punjab States Zone comprising the Patiala and Ea Punjab States Union.
(17) Hyderabad Zone comprising the State of Hyderabad.
(18) Kashmir Zone comprising the State of Jammu and Kashmir.
(19) Mysore Zone comprising the State of Mysore.
(20) Bhopal Zone comprising the State of Bhopal.
(21) Kerala Zone comprising the State of Travancore-Cochin.
(22) Kutch Zone comprising the State of Kutch.
(23) Himachal Pradesh Zone comprising the States of Himachal Pradesh ar Bilaspur. *

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*——*Substituted by Notification No. 15—Tex. I/49(i), dated 25th March 1949.

*(24) Andaman and Nicobar Islands Zone.

(25) Sikkim Zone comprising the Sikkim State. †

‡ 2. *Transport as Passengers' Luggage.*—Any passenger by rail, road, air, sea or inland navigation may transport or cause to be transported cloth or yarn as part of his luggage from any place in any zone to any other place in that or any other zone if such cloth or yarn does not exceed in either case 20 lbs. in weight. ‡

3. *Transport within a Zone.*—Any person may transport or cause to be transported by rail, road, air, sea or inland navigation any cloth or yarn from any place in any zone described in paragraph 1 to any other place in the same zone :

Provided that nothing in this paragraph shall apply to such transport from Greater Bombay or from the Ahmedabad Municipal Borough :

Provided further that the permission contained in this paragraph is subject to restrictions which may be imposed from time to time by any order of a Provincial State Government.

3-A. *Transport of cloth and yarn manufactured for export.*—Any manufacturer or exporter may transport or cause to be transported by rail, road, air, sea or inland navigation any cloth or yarn marked in accordance with the Central Government's Notification No. 67—CW (25-A)—48, dated 26th March 1949 from any place in any zone to any port of shipment in the same or any other zone provided :

(i) that nothing in this paragraph shall apply to such transport from Greater Bombay or from the Ahmedabad Municipal Borough ;

(ii) that where the cloth or yarn is intended for export by the manufacturer himself, he shall not so transport it or cause to be transported unless there is a valid export licence held by him on the date of such transport.

Explanation.—The terms "Manufacturer", "Exporter" and "Export" shall have the meanings, respectively assigned to them in the Cotton Textiles (Export Control) Order, 1949.

*4. *Transport under Military Credit Notes.*—Any person may transport or cause to be transported by rail a consignment of cloth if such consignment is made under a Military Credit Note and is booked for transport by rail—

(*a*) from any place in the Madras, Mysore and Kerala Zones to any place in or beyond those Zones ;

(*b*) from any place in the Madhya Pradesh Zone to any place in the Assam, West Bengal, Bihar or Orissa Zones or to any place in the Uttar Pradesh Zone lying on or to the east of the railway line connecting Jhansi, Kanpur, Lucknow and Gorakhpur ;

(*c*) from any place in the Uttar Pradesh Zone to any place in the Assam, West Bengal, Bihar, Delhi, Punjab or Patiala and East Punjab States Zones ;

(*d*) from any place in the Bihar or Orissa Zone to any place in the Assam or West Bengal Zone ;

(*e*) from any place in the Ajmer and Rajasthan Zones to any place in these Zones, or in the Punjab, Delhi, Patiala and East Punjab States and the Uttar Pradesh Zones ;

(*f*) from any place in the Bombay Zone to any place in or beyond that Zone ;*

*——*Substituted by Notification No. 15—Tex. I/49(i), dated 25th March 1949.
†——†Added by Notification No. 15—Tex. I/49(ii), dated 8th October 1949.
‡——†Substituted by Notification No. 15—Tex. I/49(C. T.), dated 17th February 1951.

*(g) from any place in the Hyderabad Zone to any place in or beyond that Zone;

(h) from any place in the Saurashtra and the Kutch Zones to any place in or beyond those Zones;

(i) from any place in the Madhya Bharat or Vindhya Pradesh Zones to any place in those Zones or in the Punjab, Delhi, Patiala and East Punjab States or the Uttar Pradesh Zone;"*

5. *Transport under free railway passes issued by the Welfare General's Branch.*—Any person may transport or cause to be transported by rail a consignment of cloth if such consignment is made on a free railway pass issued by an Officer of the Welfare General's Branch competent to issue such passes in connection with the amenities, comforts and entertainments for services.

6. *Exempted Articles.*—Any person may transport or cause to be transported by rail, road, air, sea or inland navigation from any place in any zone to any place in that or any other zone any article of the following description :—

(i) Belting Cotton.
(ii) Cotton-covered rubber-lined delivery fire-hose.
(iii) Tape Cotton.
(iv) Tarpaulin.
(v) Cotton Wool or absorbant cotton.
(vi) Glazed Holland Cloth used for tyre manufacture.
(vii) Surgical dressings.
†(viii) Gauze, lint and bandage cloth.†
(ix) Durries and Shatrangies.
(x) Sanitary towels.
(xi) Rubber Sheeting.
(xii) Oil cloth.
(xiii) Leather cloth.
(xiv) Tape newar.
(xv) Camouflage netting.

Explanation.—The expression "Camouflage netting" means nets having meshes of about ¾ inch square made from lines cotton cable laid of not more than 10s. having circumference of 3/16 inch in which all crossings of yarn in either direction are knotted.

(xvi) Horse netting.
(xvii) Cotton String.
(xviii) Cotton Twine.

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*——*Substituted by Notification No. 15—Tex. I/49(i), dated 25th March 1949.
†——†Substituted by Notification No. 15—Tex. I/49(i), dated 7th January 1950.

(xix) Hard Waste, *i.e.*, the categories of yarn more part

(1) Grey sized long ends.
(2) Grey unsized long ends.
(3) Coloured unsized long ends.
(4) Coloured sized long ends.
(5) Coloured sized short ends.
(6) Grey unsized short ends.
(7) Grey sized short ends.
(8) Coloured unsized short ends.
(9) Dirty beam ends.
(10) Warping hard waste,
(11) Bleached yarn waste.
(12) Coloured yarn waste.
(13) Coloured mixed yarn waste.
(14) Winding hard waste.
(15) Winding hard waste dirty.
(16) Reeling hard waste.
(17) Bobbin cut waste.
(18) Bonda piecer waste.
(19) Weaving sweeping.
(20) Oily hard waste.
(21) Pulled out and broken cops.

(xx) Hand-spun yarn.
(xxi) Waste yarn of count below 1s.
(xxii) Sewing thread (finished) and Embroidery thread (finished) on spools or reels, or in the form of balls, tubes, and skeins.
(xxiii) Laces, borders, trimmings, fringes and braids.
(xxiv) Cloth or yarn when the transport is authorised in writing by the Central Relief Committee, New Delhi or by any of its branches.
(xxv) Handloom cloth.
(xxvi) Foreign cloth or yarn imported from outside India.
(xxvii) Cloth produced by a producer having no spinning plant (powerloom cloth).
(xxviii) Apparel.
(xxix) Rubberised or synthetic water-proof fabrics whether single textured or double textured.
†(xxx) Bidi-binding thread balls.†
(xxxi) Cotton thread for use as sacred thread.
‡(xxxii) Cotton putties.‡
(xxxiii) Fents below one yard in length (Rags).
(xxxiv) Handkerchiefs."§
*(xxxv) Filter cloth.
(xxxvi) Mosquito Netting.
(xxxvii) Ducks, Cotton and Canvas including Buckram Canvas.
xxxviii) Tapestry and furnishing fabrics.
(xxxix) Overall Jacquard and Leno quality cloth.
(xL) Towels and towelling cloth.
(xLi) Dusters and polishing cloths of size not exceeding one square yard.

—, †—†, ‡—‡, §—§ **— (See Page 180).

(xlii) Table linens including napkins, serviettes and table cloths with headings on all four sides or hemmed but not in running lengths.

(xliii) Cotton Waste Blankets.†

7. This General Permit is subject to the restrictions which may be imposed from time to time by any order of the Textile Commissioner under clause 4 or any notification of the Textile Commissioner under clause 5 of the Cotton Textiles (Control of Movement) Order, 1948.

T. P. BARAT,
Textile Commissioner.

NOTIFICATION.

New Delhi, 25th March 1950.

No. 15-Tex. I—49(ii). In pursuance of sub-clause (e) of clause 2 of the Cotton Textiles (Control of Movement) Order, 1948, and in supersession of the Textile Commissioner's Notification No. 101—19-Tex. I—48(iii), dated the 10th September 1948, I hereby authorise each of the officers specified in column (2) of the table below to exercise on my behalf the power to issue special transport permits under clause 3, authorising the transport of cloth, yarn or apparel from any place within a Zone (within the meaning of General Permit No. 1) specified in the corresponding entry in column (3):—

TABLE.

Serial No. 1	Name and Designation 2	Zone 3
1.	Shri A. D. Balasundara Mudaliar, Director, Office of the Textile Commissioner, Bombay ...	All Zones.
2.	Shri A. S. E. Iyer, Director, Office of the Textile Commissioner, Bombay	Do
3.	Shri M. R. Row, Deputy Director, Office of the Textile Commissioner, Bombay	Bombay.
4.	Shri H. S. Dhir, Assistant Director, Branch Office of the Textile Commissioner, Ahmedabad	Do
5.	Shri J. M. Kochar, Textile Commissioner, Madhya Bharat, Indore	Madhya Bharat.
6.	Shri B. K. Mehta, Regional Controller of Civil Supplies and Textiles, Gwalior	Do
7.	Shri L. J, Johnson, Director of Civil Supplies, Delhi ...	Delhi.
8.	Shri M. S. Sivaraman, Director of Controlled Commodities, Madras	Madras.
9.	Shri V. Seetharama Servai, Personal Assistant to the Director of Controlled Commodities, Madras ...	Do

— Substituted by Notification No. 15-Tex. I—49, dated 15th April 1950.
†—† Added by Notification No. 15-Tex. I—49, dated 10th September 1949.
‡—‡ Added by Notification No. 15-Tex. I—49(i), dated 17th September 1949.
§—§ Added by Notification No. 15-Tex. I—49, dated 8th October 1949.
**— Added by Notification No. 15-Tex. I—49, dated 26th November 1949.

erial No. 1	Name and Designation 2	Zone 3
10.	Shri C. P. Rao, Assistant Director, Regional Directorate of Production, Coimbatore	Madras.
11.	Shri J. G. Shah, Textile Controller, Saurashtra, Rajkot ...	Saurashtra.
12.	Shri Shripat, Provincial Textile Controller, Uttar Pradesh Kanpur	Uttar Pradesh
13.	Shri Mahesh Prasad Mathur, Personal Assistant to the Provincial Textile Controller, Uttar Pradesh ...	Do
14.	Shri Sant Ram Varma, Director of Civil Supplies, Punjab.	Punjab.
15.	Shri S. Gurubakhsh Singh, Deputy Director of Civil Supplies, Punjab	Do
16.	Shri M. K. Appajappa, Controller of Civil Supplies in Mysore, Bangalore	Mysore.
17.	Shri D. R. Gunduraj, Assistant Controller of Civil Supplies in Mysore	Do
18.	Shri H. G. Mehra, Director of Civil Supplies, Ajmer ...	Ajmer.
19.	Shri S. C. Dasgupta, Deputy Director, Regional Directorate of Production, Calcutta	West Bengal.
20.	Sardar Amernath Kashyap, Director of Civil Supplies, Patiala and East Punjab States Union, Patiala ...	Patiala and East Punjab States

T. P. BARAT,
Textile Commissioner.

NOTIFICATION.

New Delhi, the 10th September 1948.

No. 101—19-Tex. I—48 (iv). In pursuance of clause 8 of the Cotton Textiles Control of Movement) Order, 1948 and in supersession of the notification of the 'extile Commissioner No. 101-TA—46, dated the 20th April 1946, I hereby notify or public information the following form, namely:—

Combined form of application for Special Transport Permit under sub-clause (ii) f clause 3 of the Cotton Textiles (Control of Movement) Order, 1948 and the Special 'ransport Permit issued thereunder.

To

The Textile Commissioner,

Bombay.

With reference to clause 3 of the Cotton Textiles (Control of Movement) Order,

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1948, kindly permit me to transport by rail/road/air/sea/inland navigation, the cloth/apparel/yarn, particulars relating to which are given below;—

1. Name and postal address of the consignor.....

2. Name and postal address of the consignee.....

3. Despatching station and Zone.....

4. Particulars of cloth/yarn :—

Tex Mark Nos.	Month of packing.	Description of cloth count of yarn.	Number of bales.	In the case of a manufacturer having a spinning plant or a person directly purchasing from such a manufacturer after 31st July 1948, the No. and date of the Textile Commissioner's Order authorising the manufacturer to sell or the buyer to purchase the cloth/yarn.
1*	2	3	4 F H Q	5
		Total ...		

NOTE.—If space is not sufficient to give the full particulars, a separate sheet containing the additional particulars, duly signed by the applicant, may be securely attached to each copy of the application.

4A. Description of apparel.....

5. Total number of bales (in words).....

6. Destination station.....

7. Railway Station nearest to the destination, if the same is not on the railway.....

8. Destination Zone.....

DECLARATION.

(i) All the bales specified above are in my possession.

(ii) I undertake to comply with all the instructions given overleaf.

(iii) All details given above are true to the best of my knowledge and belief.

(iv) I know that it is an offence to furnish false information.

.....

Signature of the Applicant.

*Original column (2) regarding bale Nos. deleted by Notification No. 15-Tex. I/49(ii), dated 9th November 1949.

Instructions to Applicant.

(1) This form should be submitted in triplicate on foolscap size paper weighing not less than 20 lbs. per ream.

(2) A separate application should be made for each different consignee and each different destination.

(3) In the case of movement by rail, the consignor should present the special transport permit, detailed overleaf to the Railway Authorities at the despatching station and get their endorsement certifying the R. R. No. and date of despatch.

(4) In the case of movement by steamer, similar endorsement indicating the name of steamer and the date of sailing should be obtained from the shipping company concerned.

(5) In the case of movement not provided in (3) and (4) above, the consignor should send the special transport permit to the consignee or other person on his behalf in order to obtain an endorsement from the police officer *or the officer authorised in this behalf by the Provincial or State Government concerned* in whose jurisdiction the destination station is situated certifying that the cloth/apparel/yarn in question has reached that place.

(6) Where only some and not all of the bales for which the special transport permit has been granted have been actually moved, the endorsement in (3), (4) or (5) above should specify the actual number of bales so moved. The remaining bales in such a case may be moved subsequently, but within the date of the validity of the permit, and a fresh endorsement will be necessary showing the number of bales so subsequently moved.

(7) After obtaining the endorsement as detailed in paras (3), (4) or (5), or the final endorsement as detailed in para (6), the consignor or other person on his behalf at the destination should send by Registered Post the permit so endorsed to Section CYC-12 of this Office, within one week from the date of despatch or receipt as the case may be.

(8) In case, movement has not been effected by the last date of validity of the permit unutilised permit should be returned to the Textile Commissioner's Office by Registered Post within one week of the said date of validity.

(9) Instructions (3) to (8) are not applicable in respect of movement from Greater Bombay and Ahmedabad.

GOVERNMENT OF INDIA.

MINISTRY OF INDUSTRY AND SUPPLY.

OFFICE OF THE TEXTILE COMMISSIONER, WITTET ROAD, BALLARD ESTATE, BOMBAY.

Special Transport Permit.

In exercise of the powers conferred on me under clause 3 of the Cotton Textiles (Control of Movement) Order, 1948 read with Notification No. , dated I hereby permit bales (in words) of cloth/apparel/yarn, particulars relating which are detailed overleaf, to be despatched from Zone Zone by road/rail/air/sea/inland navigation.

This permit is valid only up to †provided that where it has been registered with a Railway authority for movement but no movement has actually been effected before the above mentioned date, the permit shall continue to be valid till the movement is effected.†

Signature and Designation of Officer authorising transport.

—— Added by Notification No. 15-Tex. I/49, dated 19th February 1949.
†——† Added by Notification No. 15-Tex. I/49(i), dated 23rd July 1949.

*R. R. No. and Date:

*Name of steamer and date of sailing:

*Date of receipt of bales at:

I certify that the particulars of despatch/receipt given above in respect of the above permit are correct.

(Sd.) *Railway Authority.
*Shipping Company.
*Police Officer † or Officer authorised in this behalf by the Provincial or State Government.†

Seal of the office concerned.

T. P. BARAT,
Textile Commissioner.

Bombay, the 5th March 1949.

General Permit.

No. 15-Tex. I—49. In pursuance of sub-clause (i) of clause 3 of the Cotton Textiles (Control of Movement) Order, 1948, I hereby permit every manufacturer in the Province of Madras to transport or cause to be transported by road, air, sea or inland navigation or by goods train or as a railway parcel by a passenger train any yarn manufactured by him and falling under any of the categories specified below from any place within the limits of the said Province to any place outside such limits :—

(1) yarn manufactured for defence purposes;

(2) yarn required to be transported in order to comply with any direction given by the Provincial Textile Commissioner, Madras or the Textile Commissioner, Bombay.

2. This permit is issued subject to the further following conditions:—

(i) A statement of the yarn included in each consignment or forming the subject matter of each particular transport shall be drawn up in the form hereto annexed and signed by the consignor and the consignor obtains the counter signature thereto of the railway station master or an officer of the steamer company or other carrier before the consignment of the transport permitted by this permit.

(ii) Within seven days of the transport of any consignment the consignor shall send the said statement as countersigned by the carrier by Registered Post, with Acknowledgment Due to Section CYC-12 of the Textile Commissioner's Office and shall send copies thereof to the Provincial Textile Commissioner, Madras, and to the Provincial Textile Authority of the receiving Zone.

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* Those not required may be scored off.
†—† Added by Notification No. 15-Tex. I/49, dated 19th February 1949.

(3)

FORM OF STATEMENT.

Serial Number.	Date of transport.	Description of the yarn.								
		Tex mark.	Bale or case No.	Month of packing.	Count of yarn.	Whether grey mercerised or cone single or folded.	Number of the Textile Commissioner's or Provincial Textile Commissioner's Release Order or of the contract in the case of yarn for defence purposes.	Railway Receipt Number, Name of Steamer, Motor, Lorry Number or other particulars of transport.	Signature of Railway/Steamer Company Officer etc., etc.	Consignee's name and address.

Signature of the Manufacturer.

T. P. BARAT,
Textile Commissioner.

NOTIFICATION.

Bombay, the 19th August 1947.

No. 101-TA—47. In pursuance of sub-clause (i) of clause 3 of the Cotton Textiles (Control of Movement) Order, 1946, I hereby permit any railway passenger to offer for transport by rail or cause to be transported by rail, hand-spun and hand-woven khaddar cloth as part of his luggage from any place in the Province of Bombay to any place in the same Province if such cloth does not exceed 50 lbs. in weight and the transport thereof is authorised by the Provincial Government, the Provincial Textile Controller or any District Magistrate in the said Province.

DHARMA VIRA,
Textile Commissioner.

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NOTIFICATION.

No. C. 205—Co. 40-50-32, Bangalore, dated the 1st—2nd May 1951.

Ordered that the following Notification No. PC-15 (1)—50, dated the 19th April 1951 of the Government of India, Ministry of Commerce and Industry, under the Supply and Prices of Goods Act 1950, (No. LXX of 1950), be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION

New Delhi, the 19th April, 1951.

No. PC-15 (1)—50.—In exercise of the powers conferred by sections 4, 7, 9, 10, 13 and 19 of the Supply and Prices of Goods Act, 1950, (No LXX of 1950), and all other powers enabling it in this behalf the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the late Ministry of Industry and Supply, No. *S. R. O. 503, dated the 2nd September 1950 namely*:—

For sub-clause (i) of clause (*b*) of the said notification the following shall be substituted :—

"Every dealer and producer shall before the 7th day of each month send to the Deputy Development Officer (Drugs), Shahjahan Road, New Delhi, a statement showing the opening stocks at the beginning of the previous month, stocks acquired during that month the total quantities sold, with particulars of sales of 5 tons and above made by him, during the month and the balance of stocks at the end of the month. Particulars of sales shall include in respect of each transaction, the quantities sold and the name and address of the buyer."

ORDER.

Ordered that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir) ; all Chief Commissioners of Part C States including Andaman and Nicobar Islands ; all Ministries of the Government of India ; Cabinet Secretariat ; Prime Minister's Secretariat ; Secretary to the President ; the Indian Trade Commissioners ; all Indian Embassies ; the High Commissioner for India, London ; His Majesty's Trade Commissioner in India ; all Chambers of Commerce and Associations ; the Director-General of Commercial Intelligence and Statistics, Calcutta ; the High Commissioner for India in Pakistan, Karachi ; the High Commissioner for Pakistan in India, New Delhi ; the Secretary, Indian Tariff Board, and the Secretary, Planning Commission.

Ordered also that it be published in the *Gazette of India*.

B. B. SAKSENA,

Deputy Secretary to the Government of India.

NOTIFICATION.

No. C. 201-Co —40-50-36, dated Bangalore, 2nd May 1951.

Ordered that the accompanying Notification No. P.C. 7(8)—50 dated the 19th April 1951, of the Government of India, Ministry of Commerce and Industry under the Supply and Prices of Goods Act, 1950 (No. LXX of 1950), be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION

New Delhi the 19th April 1951

No. P.C. 7-(8)—50. In exercise of the powers conferred by Section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), and in supersession of the notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 416, dated the 21st March 1951, the Central Government hereby fixes the following Schedule of maximum prices for certain varieties of caustic soda.

SCHEDULE.

Variety of Caustic Soda	Maximum price in certain specified localities	Maximum price that may be charged by a distributor	Maximum price that may be charged by a wholesale dealer	Maximum price that may be charged by a retail dealer
1	2	3	4	5
1. Caustic Soda (solid) 99/100 per cent 661 lb. drums (Imported from U.K.)	Bombay— Rs. 46 6 0 per cwt. F.O.R. Calcutta— Rs. 40 2 0 per cwt. F.O.R. Madras— Rs. 40 4 0 per cwt. F.O.R.	The price specified in column 2 *plus* (a) actual railway freight by goods train from any of the localities specified in column 2 to the place of destination and (b) handling charges not exceeding annas eight per cwt.	The price specified in column 3 *plus* a margin not exceeding annas eight per cwt.	The price specified in column 4 *plus* a margin not exceeding Rs.1 12 0 per cwt.
2. Caustic soda (solid) 98/99 per cent 1 cwt. drums (Imported from U.K.)	Bombay— Rs. 37 10 0 per cwt. F.O.R. Calcutta— Rs. 37 6 0 per cwt. F.O.R. Madras— Rs. 37 8 0 per cwt. F.O.R.	Do	Do	Do

ORDER.

Ordered that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir), all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India, Cabinet Secretariat; Prime Minister's Secretariat, Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

Ordered also that it be published in the *Gazette of India.*

B. B. SAKSENA,
Deputy Secretary to the Government of India.

NOTIFICATION.

No. C. 203—Co. 40-50-34, Bangalore, dated 2nd May 1951.

Ordered that the accompanying Notification No. PC.-7 (2)—50, dated the 19th April 1950, of the Government of India, Ministry of Commerce and Industry, under the Supply and Prices of Goods Act, 1950, (LXX of 1950), be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 19th April 1951.

No. PC. 7(2)—50.—In exercise of the powers conferred by Section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the late Ministry of Industry and Supply S.R.O. No. 66, dated the 15th January 1951, namely.

For the Schedule to the said Notification, the following Schedule shall be substituted :—

SCHEDULE.

Variety of Soda Ash	Maximum price in certain specified localities	Maximum price that may be charged by a distributor	Maximum price that may be charged by a wholesale dealer	Maximum price that may be charged by a retail dealer
	Ex-godown—F.O.R. Rs a. p.			
1. I.C.I. Light Soda Ash (Imported) 150 lb. bags.	Bombay 23 8 0 per c.wt. Calcutta 23 4 0 do Madras 23 6 0 do Gauhati 26 14 0 do Dhubri 26 12 0 do	The price specified in Col. 2 plus.— (a) actual railway freight by goods train from any of the localities specified in column 2 to the place of destination, and (b) handling charges not exceeding annas 8 per bag of 1 c.wt.	The price specified in column 3 plus a margin not exceeding annas 8 per 1 c.wt.	The price specified in column 4 plus a margin not exceeding Rs. 1-12-0 per c.wt.
2. I.C.I. Heavy Soda Ash (Imported) 200 lb. bags.	Bombay 24 10 0 do Calcutta 24 6 0 do Madras 24 8 0 do	The price specified in column 2 plus.— (a) actual railway freight by goods train from any of the localities specified in column 2 to the place of destination, and (b) handling charges not exceeding annas 8 per bag of 1 c.wt.	Do	Do
3. Magadi Soda Ash 2 c.wt. bags.	Bombay 21 0 0 do Calcutta 20 12 0 do Madras 29 14 0 do	.....	.....	.....
4. Tatas Soda Ash ...	Mithapur 16 13 0 ex-works. Bombay 18 9 6 per c.wt. Calcutta 20 3 0 do Madras 19 10 8 do Cochin 19 10 9 do	The price specified in column 2 plus.— (a) actual railway freight by goods train from any of the localities specified in column 2 to the place of destination, and (b) handling charges not exceeding annas 8 per bag of 1 c.wt.	Do	Do
5. Indigenous Soda Ash Dharangadhara.	Dharangadhara 16 13 0 per c.wt. ex-works.	The price specified in column 2 plus.— (a) actual railway freight by goods train from any of the localities specified in column 2 to the place of destination, and (b) handling charges not exceeding annas 8 per bag of 1 c.wt	Do	Do

ORDER

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir), all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board, and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

B. B. SAKSENA, *Dy. Secy.*

NOTIFICATION

No. L.D. 210—Legis. 5-51-2, Dated Bangalore, 5th May 1951.

Ordered that the accompanying Notification No. S. R. O. 178 dated the 21st April 1951, of the Ministry of Defence, amending the National Cadet Corps Rules (Girls Division), 1949 published in the *Gazette of India*, Part II Section 4 dated, the 21st April 1951, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF DEFENCE

NOTIFICATION.

New Delhi, dated April 21, 1951.

S.R.O. 178.—In exercise of the powers conferred by section 13 of the National Cadet Corps Act, 1948 (XXXI of 1948), the Central Government hereby directs that the following amendment shall be made in the National Cadet Corps Rules (Girls Division), 1949, namely:—

In the said Rules—

In schedule II in para 3, the following shall be *added* at the end namely:—

"(c) Daily allowance, at rates specified below, shall be paid to a Girl Cadet undertaking a journey under sub-para (b), from the time the journey begins to the time it ends for each of the onward and return journeys, provided that no daily allowances shall be admissible for journeys of less than 6 hours, and half the daily allowance shall be admissible for journeys exceeding 6 hours but not exceeding 12 hours, while for journeys of longer duration full daily allowance shall be admissible for every 24 hours. For parts of 24 hours in excess of 24 hours the method of calculation adopted will be the same as that adopted for journeys of less than 24 hours duration.

By rail:	**Rs. 2/8/- per day.**
By road.	Re. 1/-/- per day.

NOTE:—In cases of journey by road, actual expenses referred to in para 3(b), and in cases where daily allowance also is admissible under this sub-paragraph actual expense *plus* daily allowance shall be limited to road mileage allowance at the rate of two annas per mile."

H. M. PATEL, *Secy.*

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-A.

BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON AND ACTS AND ORDINANCES OF MYSORE.

NOTIFICATION.

Order No. L.D. 204—Legis. 18-51-1, dated Bangalore, 4th May 1951.

Ordered that the accompanying Mysore Prohibition Amendment) Act, 1951 which received the assent of His Highness the Maharaja, on the 25th day of April 1951, be published as Act No. XIV of 1951, in the *Mysore Gazette* for general information.

MYSORE ACT No. XIV OF 1951.

THE MYSORE PROHIBITION (AMENDMENT) ACT, 1951.

(Received the assent of His Highness the Maharaja of Mysore on the 25th day of April 1951).

An Act further to amend the Mysore Prohibition Act, 1948.

WHEREAS it is expedient further to amend the Mysore Prohibition Act, 1948, (Mysore Act No. XXXVII of 1948), for the purpose hereinafter appearing; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Prohibition Amendment) Act, 1951. Short title. and commencement.

(2) It shall come into force at once.

2. In section 47, of the Mysore Prohibition Act, 1948, the words 'such answer shall be reduced to writing shall be signed by such officer' shall be omitted. Omission of certain word in Section 4 of Mysore A XXXVII of 1948.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. L. S. 506—L.W. 24-50-2, dated Bangalore, the 7th May 1951.

In exercise of the powers conferred by Section 115 of the Factories (Central) Act, 1948 (Act No. LXIII of 1948), His Highness the Maharaja of Mysore is pleased to direct the publication of the following draft rules which it is proposed to make under Sections 49 (2) and 50 of the said Act. Notice is hereby given that the draft will be taken into consideration after three months from the date of publication.

Any objections or suggestions which may be received in respect of the draft after the date specified shall not be considered by Government.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

1. *Short Title and Commencement.*—(1) These Rules may be called Welfare Officers (Recruitment and Conditions of Service) Rules, 1951.

(2) They shall come into force on such date as the Government may, by notification in the official gazette, appoint in this behalf.

2. *Definitions.*—In these rules, unless the context otherwise requires :—

(*a*) 'Act' means the Factories Act, 1948 (LXIII of 1948);

(*b*) the expressions, 'factory' and 'occupier' have the meanings respectively assigned to them in the Act.

3. *Number of Welfare Officers.*—Within six months of the date specified in a notification issued under sub-rule (2) of rule 1 the occupier of every factory where five hundred or more workers are ordinarily employed, shall appoint at least one Welfare Officer: provided that, where the number of workers exceed two thousand one Welfare Officer shall be appointed for every two thousand workers or a fraction thereof.

4. *Qualifications.*—A person shall not be eligible for appointment as a Welfare Officer, unless he—

(*a*) possesses a degree of a University recognised by the State Government in this behalf;

(*b*) has obtained a Degree or Diploma in Social Science from any institution recognised by the State Government in this behalf; and

(*c*) has adequate knowledge of the language spoken by the majority of the workers in the factory to which he is to be attached.

Provided that, in the case of a person who is acting as a Welfare Officer at the commencement of these rules, the State Government may, subject to such conditions as it may specify, relax all or any of the aforesaid qualifications.

5. *Recruitment of Welfare Officers.*—(1) The post of a Welfare Officer shall be advertised in all the prominent newspapers of the State.

(2) The selection shall be made from among the candidates applying for the post by a Committee appointed by the occupier of the factory.

(3) The appointment when made shall be notified by the occupier to the State Government or such authority as the State Government may specify for the purpose, giving full details of the qualification, etc., of the officer appointed and the conditions of his service.

6. *Conditions of service of Welfare Officers.*—(1) A Welfare Officer shall be given appropriate status corresponding to the status of the other executive heads of the factory.

(2) The conditions of service of a Welfare Officer shall be the same as of other members of the staff of corresponding status in the factory: provided that, in the

case of discharge or dismissal, the Welfare Officer shall have a right of appeal to the State Government whose decision thereon shall be final and binding upon the occupier.

7. *Duties of Welfare Officers.*—The duties of a Welfare Officer shall be—

(*i*) to establish contacts and hold consultations with a view to maintaining harmonious relations between the factory management and workers;

(*ii*) to bring to the notice of the factory management the grievances of workers, individual as well as collective, with a view to securing their expeditious redress and to act as a negotiating officer with trade unions;

(*iii*) to study and understand the point of view of labour in order to help the factory management to shape and formulate labour policies and to interpret these policies to the workers in a language they can understand;

(*iv*) to watch industrial relations with a view to using his influence in the event of a dispute arising between the factory management and workers and to help to bring about a settlement by conciliation and arbitration;

(*v*) to deal with wage and employment matters by joint consultations with the factory management and workers representative bodies;

(*vi*) to exercise a restraining influence over workers going on illegal strikes and over managements declaring illegal lockouts, and to help in preventing anti-social activities;

(*vii*) to maintain a neutral attitude during legal strikes or lockouts and to help in bringing about a peaceful settlement;

(*viii*) to ensure fulfilment on the part of the factory management of obligations, statutory or otherwise, concerning the application of provisions of the Factories Act, 1948 and the rules made thereunder, and to establish liaison with the Factory Inspector and the Medical Services concerning medical examinations of employees, health records, supervision of hazardous jobs, sick visiting and convaloscence, accident prevention and supervision of safety committees, systematic plant inspection, safety

education, investigation of accidents, maternity benefits and workmen's compensation;

(*ix*) to promote relations between factory management and workers which will ensure productive efficiency as well as amelioration in the working conditions and to help workers to adjust and adapt themselves to their working environments;

(*x*) to encourage the formation of Works and Joint Production Committees, Co-operative Societies and Safety-First and Welfare Committees, and to supervise their work;

(*xi*) to secure provision of amenities, such as canteens, shelters for rest, creches, adequate latrine facilities, drinking water, sickness and benevolent scheme payments, pension and superannuation funds, gratuity payments, granting of loans, and legal advice to workers;

(*xii*) to help the factory management in regulating the grant of leave with wages and explain to the workers the provisions relating to leave with wages and other leave privileges and to guide the workers in the matter of submission of application for grant of leave for regulating authorised absence;

(*xiii*) to secure welfare provisions, such as housing facilities, foodstuffs, social and recreational facilities, sanitation, advice on individual personnel problems and education of children;

(*xiv*) to advise the factory management on questions relating to training of new starters, apprentices, workers on transfer and promotion, instructors and supervisors, supervision and control of notice board and information bulletins to further education of workers and to encourage their attendance at Technical Institutes;

(*xv*) to suggest measures which will serve to raise the standard of living of workers and in general promote their well-being.

8. *Powers of Exemption.*—The State Government may, by notification in the Official Gazette, exempt any factory or class or description of factories from the operation of all or any of the provisions of these Rules subject to compliance with such alternative arrangements as may be approved.

No. L. S. 510—L. W. 23-51-1, dated Bangalore, the 7th May 1951.

In exercise of the powers conferred by sub-section (3) of Section 1 of the Weekly Holidays Act, 1942 (Central Act XVIII of 1942), His Highness the Maharaja of Mysore is pleased to direct that the said Act shall come into force at once in the areas specified hereunder :—

Areas.

1. The City of Bangalore (including the Civil Station).
2. Mysore City.
3. Davangere City.
4. Kolar Gold Field Sanitary Board Area.
5. Shimoga Town.
6. Chikmagalur Town.

By Order of His Highness the Maharaja,

No. L. S. 512—L. W. 23-51-2, dated Bangalore, the 7th May 1951.

In exercise of the powers conferred by Section 7 of the Weekly Holidays Act, 1942 (Central Act No. XVIII of 1942), His Highness the Maharaja of Mysore is pleaeed to appoint the Inspectors for the time being, appofnted under the Mysore Shops and Establishments Act, 1948, (Mysore Act No. II of 1948), to be Inspectors within their respective jurisdiction for the purposes of the Weekly Holidays Act, 1942.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

No. S. R. 661—Ex. 8-51-2, Bangalore, dated 27th April 1951.

In exercise of the powers conferred by Clause (b) of sub-section (3) of Section 1 of the Mysore Prohibition Act, 1948 (XXXVII of 1948), His Highness the Maharaja of Mysore is pleased to appoint the First day of July

1951 as the date on which the Provisions of the said Act (other than Sections 1, 3 and 7 which have already come into force) shall come into force in the taluks of Belur and Sakalespur in Hassan District.

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,
Secretary to Government,
Revenue Department.

No. A. F. 1018—Mart. 13-51-5, Bangalore, dated 2nd May 1951.

In exercise of the powers conferred by Section 3 (*a*) of the Mysore Agricultural Produce Markets Act (No. XVI of 1939) and in continuation of Notifications No. A.F. 6443—Mart. 23-46-2, dated 9th May 1947, No. A.F. 7018-Mart. 20-49-2, dated 25th January 1950 and No. A.F. 2845-Mart. 14-50-2, dated 23rd June 1950, His Highness the Maharaja of Mysore is pleased to declare "Seegu" and "Hallikautu" to be "Agricultural Produce" for the purpose of the said Act.

By Order of His Highness the Maharaja,

No. A. F. 1155—Mart. 13-51-7, dated Bangalore, the 7th May 1951.

In exercise of the powers conferred by Section 4 of the Mysore Agricultural Produce Markets Act, (Mysore Act No. XVI of 1939), and in partial modification of the Notification No. A.F. 5145—Mart. 9-50-4, dated the 12th September 1950, His Highness the Maharaja of Mysore is pleased to declare that with effect from the 1st May 1951, Tumkur Town Municipal limits shall be a "Market" established under the said Act for the Agricultural Produce noted below.

1. Groundnuts.
2. Jaggery.
3. Honge seeds.
4. Tamarind.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

No. L.S. 532—L.W. 26-51-1, dated Bangalore, the 8th May 1951.

In exercise of the powers conferred by Section 3 of the Indian Trade Unions Act, 1926 (Central Act XVI of 192) and in supersession of Notification No. R.L. 470—Legis. 12-41-3, dated the 28th August 1941, His Highness the Maharaja of Mysore is pleased to appoint the Excise Commissioner in Mysore to be the Registrar of Trade Unions for the State of Mysore.

By Order of His Highness the Maharaja,

No. L. S. 535—L.W. 63-49-12, dated Bangalore, the 8th May 1951.

In exercise of the powers conferred under sub-section (1) of Section 7 of the Mysore Shops and Establishments Act, 1948 (Mysore Act II of 1948), His Highness the Maharaja of Mysore is pleased to order that with effect from the *15th May 1951*, no shop situated in the Cities of Bangalore and Mysore, the Kolar Gold Field Sanitary Board Area and in the towns of Shimoga and Chickmagalur, shall be opened on any day earlier than 6 A.M. and closed on any day later than 10 P.M.

By Order of His Highness the Maharaja,

No. L. S. 537—L.W. 63-49-13, dated Bangalore, the 8th May 1951.

In exercise of the powers conferred by sub-section (1) of Section 13 of the Mysore Shops and Establishments Act, 1948 (Mysore Act II of 1948), His Highness the Maharaja of Mysore is pleased to order that with effect from the *15th May 1951*, no theatre or place of public amusement or entertainment situated in the Cities of Bangalore and Mysore, the Kolar Gold Field Sanitary Board Area and in the towns of Shimoga and Chickmagalur, shall be opened on any day earlier than 9 o'clock in the morning and closed on any day later than 1 o'clock at night.

By Order of His Highness the Maharaja,

No. L.S. 539—L.W. 63-49-14, dated Bangalore, the 8th May 1951.

In exercise of the powers conferred by sub-section (1) of Section 13 of the Mysore Shops and Establishments Act, 1948 (Mysore Act II of 1948), His Highness the Maharaja of Mysore is pleased to order that with effect from the *15th May 1951*, no Restaurant or Eating house situated in the Cities of Bangalore and Mysore, the Kolar Gold Field Sanitary Board Area and in the towns of Shimoga and Chickmagalur, shall be opened on any day earlier than 5 A.M. and shall be closed on any day later than 10 P.M.

By Order of His Highness the Maharaja,

No. L.S. 541—L.W. 63-49-15, dated Bangalore, the 8th May 1951.

In exercise of the powers conferred by sub-section (1) of Section 13 of the Mysore Shops and Establishments Act, 1948 (Mysore Act II of 1948), His Highness the Maharaja of Mysore is pleased to order that with effect from the 15th May 1951, no Commercial Establishment situated in the Cities of Bangalore and Mysore, the Kolar Gold Field Sanitary Board Area, and in the towns of Shimoga and Chickmagalur shall be opened on any day earlier than 8 A.M. and closed on any day later than 8 P.M.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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The Mysore Gazette

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EXTRAORDINARY

BANGALORE, THURSDAY, MAY 17, 1951.

PART IV

Section 2-A

BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON AND ACTS AND ORDINANCES OF MYSORE.

NOTIFICATION.

No. L.D. 405—Legis. 28-51-1, dated Bangalore, 16—17th May 1951.

Under Rule 36 of the Mysore Legislative Rules, the Mysore District Boards (Amendment) Bill, 1951, together with Statement of Objects and Reasons, is published for general information.

THE MYSORE DISTRICT BOARDS (AMENDMENT) BILL, 1951.

A Bill further to amend the Mysore District Boards Act, 1926.

WHEREAS it is expedient further to amend the Preamble Mysore District Boards Act, 1926, (Mysore Act No. III of 1926), for the purpose hereinafter appearing;

It is hereby enacted as follows :—

Short title

1. This Act may be called the Mysore District Boards (Amendment) Act, 195 .

Amendment of section 24 of Mysore Act III of 1926.

2. In section 24 of the Mysore District Boards Act, 1926, for the words "four years" the words "five years" shall be substituted.

Statement of Objects and Reasons.

Section 24 of the Mysore District Boards Act, 1926, vests power in the State Government to extend the term of office of the members of any District Board for a period not exceeding in the aggregate four years. The maximum term of office of the existing District Boards is due to expire on the 1st June 1951, but since the Village Panchayets and District Boards have to be reconstituted under the Mysore Village Panchayets and District Boards Bill when it is passed into Law, it is considered desirable to extend the term of the existing District Boards till they are reconstituted under the new law. It is therefore proposed to take power to extend the term of office by such period not exceeding in the aggregate five years. Hence this Bill.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.D. 406—Legis. 29-51-1, Bangalore, dated 16—17th May 1951.

Under Rule 36 of the Mysore Legislative Rules, the Mysore Town Municipalities (Amendment) Bill, 1951, together with Statement of Objects and Reasons, is published for general information.

THE MYSORE TOWN MUNICIPALITIES (AMENDMENT) BILL, 1951.

A Bill further to amend the Mysore Town Municipalities Act, 1933.

WHEREAS it is expedient further to amend the Mysore Town Municipalities Act, 1933, (Mysore Act VIII of 1933), for the purpose hereinafter appearing; Preamble.

It is hereby enacted as follows:—

1. This Act may be called the Mysore Town Municipalities (Amendment) Act, 195 . Short title.

2. In section 15 of the Mysore Town Municipalities Act, 1933, for the words "four years" the words "five years" shall be substituted. Amendment of section 15 of Mysore Act, VIII of 1933.

Statement of Objects and Reasons.

According to section 15 of the Mysore Town Municipalities Act, 1933, the term of a Municipal Council is three years, extensible by order of the Government to a term not exceeding in the aggregate four years. The terms of certain Municipal Councils are due to expire on the 30th June, and as it is considered desirable to reconstitute these local bodies under the Mysore Town Municipalities Bill passed by the Assembly, it is proposed to take power to extend the term of these bodies for a period not exceeding in the aggregate five years. Hence this Bill.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

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PART IV

Section—1-B.

ACTS OF PARLIAMENT AND ORDINANCES OF THE PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATION

No. L.D. 3165—Legis. 3-50-15, dated Bangalore, 29th January—2nd February 1951.

Ordered that the following the Labour Relations Bill, 1950 (6 of 1950), the Trade Unions Bill, 1950 (14 of 1950), the State Railway Provident Fund (Temporary Provisions) Bill, 1950 (101 of 1950), the Supply and Prices of Goods Bill, 1950 (99 of 1950), the Hindu Mutts Bill, 1950 (78 of 1950), the Indian Bar Councils (Amendment) Bill, 1950 (65 of 1950), the Monogamy Enforcement Bill, 1950 (90 of 1950), the Punishment for Adulteration of Food Stuffs Bill, 1950 (70 of 1950), the Indian Bar Councils (Amendment) Bill, 1950 (72 of 1950), the Constitution (Amendment of Fifth Schedule) Bill, 1950 (71 of 1950), the Indian Companies (Amendment) Bill, 1950 (66 of 1950), the Prevention of Adulteration of Food Bill, 1950 (69 of 1950), the Indian Penal Code (Amendment) Bill, 1950 (68 of 1950), the Hindu Marriages Validity (Amendment) Bill, 1950 (94 of 1950), the Indian Penal Code (Amendment) Bill, 1950 (93 of 1950), the Parliament of India and its Members (Powers and Privileges) Bill, 1950 (76 of 1950), the Child Marriage Restraint (Amendment) Bill, 1950 (89 of 1950), the Hindu Mutts Bill, 1950 (77 of 1950), the Code of Criminal Procedure (Amendment) Bill, 1950 (88 of 1950), the Code of Civil Procedure (Amendment) Bill, 1950 (75 of 1950), the Indian Penal Code (Amendment) Bill, 1950 (73 of 1950), and the Code of Criminal Procedure (Amendment) Bill, 1950 (92 of 1950), published in the *Gazette of India*, Part II,

Section 2, dated the 16th December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of
His Highness the Maharaja,
B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

PART II—SECTION 2

BILLS AND REPORT OF SELECT COMMITTEE ON BILLS

PARLIAMENT OF INDIA

The following report of the Select Committee on the Bill to provide for the regulation of the relationship between employers and employees, for the prevention, investigation and settlement of labour disputes and for certain matters incidental thereto, was presented to Parliament on the 1st December, 1950 :—

THE LABOUR RELATIONS BILL, 1950.

REPORT OF THE SELECT COMMITTEE.

We, the undersigned members of the Select Committee to which the Bill to provide for the regulation of the relationship between employers and employees, for the prevention, investigation and settlement of labour disputes and for certain matters incidental thereto, was referred, have considered the Bill, and have now the honour to submit this our report, with the Bill as amended by us annexed thereto.

Upon the changes proposed by us, which are not formal or consequential, we note as follows :—

Clause 1.—We consider that there may be practical difficulties in some States in applying this Act at once to all the industries or classes of establishments. Provision has accordingly been made to enable the Government to bring this Act into force in any State by stages. We are, however, of opinion that the Act should be brought into force in all the States within one year of its commencement.

Clause 2

Clause 2 (2).—We think that the Central Government should be the appropriate Government in relation to any establishment in which more than 50 per cent of the total capital is provided by the Central Government. This provision has been made in part (x), and other changes are merely drafting changes.

Clause 2 (3).—This is merely a drafting change.

Clause 2 (8).—The concept of civil servant is a little complicated, and the definition has been redrafted to make the meaning more clear. We, however, think that when the appropriate Government, by notification, amends the definition of "civil servant", such notification should be placed before Parliament

or the Legislature of the State, as the case may be. A proviso to this effect has been added to this clause.

Clause 2 (9).—We consider that collective agreement should cover not only the terms and conditions of employment but also those of non-employment. Provision has accordingly been made.

Clause 2 (14).—Under the existing definition, civil servants are excluded from the category of employees. We are of opinion that persons who are employed primarily in a managerial or other administrative capacity drawing a pay of Rs. 350 or more as also apprentices should be excluded from the definition of "employee".

It is common experience that sometimes employees of firms or companies are employed as domestic servants. There seems to be no justification for excluding such persons, though they are employed as domestic servants, from the category of employees.

The definition of "employee" has been redrafted to give effect to the above decisions.

Clause 2 (15).—Under the existing definition, a contractor would have been the employer in relation to the persons employed by him. It often happens that such employees cannot enforce their rights against the contractors. Provision has accordingly been made that, under certain circumstances, the contractor's labourers can enforce their rights either against the contractor or against the ultimate employer who engages the contractor. This clause has been modified accordingly and other changes are formal changes.

Provision has also been made in clause 112 to indemnify an employer who has to make any payment which is really payable by the contractor.

Clause 2 (19).—We are of opinion that the dismissal of an employee should not be taken out of the purview of a labour dispute. We, however, feel that a dispute should not arise until after the employee has actually been dismissed. The proviso to this clause has accordingly been omitted and the definition has been redrafted.

We have elsewhere in clause 84 provided that when such a dispute is referred to a Tribunal, the Tribunal shall only consider if the dismissal is for proper and sufficient cause and in accordance with the provisions of this Act.

Clause 2 (20).—The definition of "lock-out" has been modified so as to nclude within its scope any lock-out which is declared to help another employer o put pressure on his employees.

Clause 2 (22).—The definition has been slightly modified.

Clause 2 (26).—The definition of "strike" has been modified so as to nclude within its scope any strike which is declared to help the employees f another establishment to put pressure on their employer.

Clause 2 (28).—We consider that profit bonus or profit-sharing or any ontribution paid by the employer for the benefit of the employees under any ther law should not be included in the definition of wages. The definition as accordingly been modified.

Clause 2 (30).—Certain Acts, namely, the Indian Penal Code, the Criminal 'rocedure Code, etc., referred to in this Act are not yet in force in Part B tates. We have inserted this new clause to provide that references to such nactments not in force in Part B States shall be construed as references to ie corresponding law in force in those States.

Clause 5.—We think that a Works Committee may be constituted either for the whole establishment or any part of such establishment. Provision has accordingly been made.

Clauses 7 and 8.—For holding conciliation proceedings, there are Conciliation Officers, Boards of Conciliation and Standing Conciliation Boards. In order to expedite conciliation proceedings, it is necessary to provide that the same dispute should not be taken up by all these authorities one after the other. We have accordingly provided that where a Conciliation Officer takes any steps, the dispute cannot be referred to a Board unless the parties to the dispute agree. Similarly, where Standing Boards are constituted, the disputes arising within their jurisdiction cannot be referred to a Board.

Clauses 10, 11 and 12.—For adjudication of disputes, the authorities are Labour Courts, Labour Tribunals and the Appellate Tribunal. We think that these authorities should be manned as far as practicable by judicial officers. In the case of Tribunals, we have provided that executive officers should not be appointed to the Tribunal. In the case of Labour Courts, however, we have provided that an executive officer may be appointed if only he has special experience in labour matters.

We are of opinion that a person who has been the presiding officer of a Labour Court for not less than three years should be eligible for appointment as a member of a Tribunal.

We further hold that when dispuates affecting banking or insurance companies, which are credit institutions, come up to a Tribunal or the Appellate Tribunal, one person having special knowledge and experience in banking or insurance should be appointed as a member of the Tribunal or the Appellate Tribunal hearing the dispute or appeal.

We consider that in order to ensure the independence of Labour Courts, Tribunals and the Appellate Tribunal, appointments to these authorities, except in the case of High Court Judges and retired High Court Judges, should not be made without the approval of the High Court or the Supreme Court. In order further to ensure the independence of the members of the Appellate Tribunal, we have provided that they should ordinarily hold office for a fixed term of five years and that the salary of a member should not be varied to his disadvantage after his appointment.

These clauses have been modified accordingly.

Clause 15.—In this clause we have inserted a few words to make it clear that in order that the provisions relating to standing orders may be applicable to an establishment, the persons employed therein should be employed in connection with the normal work of the establishment.

Clause 16.—We think that when standing orders are already in force in any establishment, the employer should not be compelled to submit fresh standing orders but may apply to have the standing orders modified to bring them in conformity with this Act. We have made this provision by adding a new sub-clause (5).

Clause 18.—We consider that a time limit of two months should be fixed for disposing of any case before the registering officer. The clause has been modified accordingly.

Clause 19.—We are of opinion that an appeal from a registering officer should lie not to the Chief Conciliation Officer but to a Tribunal. The clause has been modified accordingly.

Clause 20.—We have added a new sub-clause (*2*) to provide that where standing orders are already in force in any establishment such standing orders should continue to be in force till they are modified or substituted by fresh standing orders.

Clause 21.—We have inserted this new clause to make special provision relating to model standing orders.

Clause 23 (original clause 22).—We consider that standing orders should be posted either in English or Hindi. The clause has been modified accordingly.

Clause 27 (original clause 26).—When a labour dispute arises, an employer or employee has the option to serve notice on the other party. We are of opinion that in respect of certain important matters, it should be obligatory on the part of an employer to serve such notice. We have specified such matters by inserting a new Schedule—the Third Schedule—and have added a proviso to sub-clause (*1*).

Clauses 28 and 29 (original clauses 27 and 28).—We think that there is no justification for making any distinction between disputes which arise in public utility services and other disputes. We have done away with this distinction.

Clauses 30 and 32 (original clauses 29 and 31).—We think that a time limit should be fixed within which the Conciliation Officer has to submit his report. These clauses have been modified accordingly.

Clauses 34 to 36 (original clauses 32 to 35).—Under the existing clauses, only one bargaining agent could be appointed in respect of any establishment or class of establishments. Such bargaining agent would have authority to bargain collectively on behalf of all the employees employed in that establishment or class of establishments. We have carefully considered this question. We are of opinion that in any undertaking there may be special or distinctive classes of employees whose problems are different from those of the general body of employees. We also think that each undertaking has problems of its own which cannot be properly handled by a bargaining agent for the whole industry. We have accordingly provided for three categories of bargaining agents. A general bargaining agent for the whole industry would deal with general problems affecting the whole industry. A special bargaining agent would deal with matters which are of exclusive concern to the particular class of employees it represents. A local bargaining agent would deal with problems peculiar to a particular undertaking.

We are conscious that some conflicts are likely to arise among these various categories of bargaining agents in respect of their jurisdiction. We have accordingly empowered Labour Courts to resolve such jurisdictional conflicts.

We have also provided for the respective rights of these various categories of bargaining agents when they are appointed.

Clauses 39, 44 and 46 (original clauses 38, 43 and 45).—The changes made in these clauses are similar to those made in the corresponding clauses under Chapter IV.

Clause 47 (original clause 46).—We have substituted the words "is of opinion" for the words "is satisfied". We have omitted the first proviso to sub-clause (*1*) and inserted a new proviso. These are merely consequential amendments.

Clause 52 (original clause 51).—We are of opinion that the appropriate Government should not be vested with powers to withdraw any case after it has been referred to a Board, Commission or Tribunal. The clause has been modified accordingly.

Clause 61 (original clause 60).—It is always difficult to specify precisely when a labour dispute actually arises. To remove difficulties that may arise, we have provided that a dispute for the purposes of this clause shall be deemed to have arisen when notice of such dispute is served under section 27 or section 39.

Clause 62 (original clause 61).—We have added a new sub-clause (*6*) to provide that an order of a Labour Court should be published within fifteen days of its pronouncement.

Clause 64 (original clause 63).—We are of opinion that Tribunals should not submit their awards to the appropriate Government. Awards should be pronounced in open court, like all judicial pronouncements. Necessary amendments have been made.

Clause 65 (original clause 64).—We have redrafted this clause. The purpose of publication of an award should be only to give information to the parties concerned.

Clause 66 (original clauses 65 and 66).—We are of opinion that the appropriate Government should not have the right to interfere with the awards pronounced by Tribunals. We have accordingly omitted the original clause 65 and also the proviso to sub-clause (*1*) of clause 66 and sub-clause (*2*) thereof. We, however, feel that when the appropriate Government is a party to the dispute and there are practical difficulties in giving effect to the award, it may place the award before the Legislature whose decision thereon shall be final.

Original clause 67.—This clause has been omitted.

Clause 67 (original clause 68).—Under the existing clause, an appeal lies to a Tribunal from an order of a Labour Court only on a question of law. We, however, think that in relation to orders passed by a Labour Court under Chapter V, an appeal should lie both on questions of fact as also of law. We have inserted a proviso to give effect to this decision.

Clause 68 (original clause 69).—We are of opinion that a Tribunal should be empowered to stay the order of a Labour Court when it is satisfied that the appeal would be infructuous unless the stay order is made. The clause has been modified accordingly.

Clause 69 (original clause 70).—We are of opinion that before dismissing an appeal summarily, the Tribunal should give an opportunity to the appellant of being heard. The clause has been modified accordingly.

Clause 72 (original clause 73).—In accordance with the modification of the definition of "wages", this clause has also been modified. We have also provided that an appeal would lie to the Appellate Tribunal in respect of any matter relating to retrenchment which arises out of any scheme of rationalisation, standardisation or improvement of plant or technique.

Clause 74 (original clause 75).—We have added two provisos to sub-clause (2) to provide that where an appeal involves any dispute affecting any banking or insurance company, the bench should include a person having special knowledge and experience in banking or insurance. In order to expedite the disposal of stay applications, we have further provided that such applications may be heard by one member only.

Clauses 77, 78 and 79 (original clauses 78, 79 and 80).—The changes made in these clauses are on the same lines as those made in clauses 68, 69 and 70.

Clauses 82 to 91.—We have inserted a new Chapter X relating to dismissal and retrenchment of employees. We have laid down the procedure for dismissal and the powers of Tribunals dealing with disputes arising out of dismissal of an employee. We have also laid down the procedure to be followed by an employer when he retrenches his employees as a result of the introduction of any scheme of rationalisation, standardisation or improvement of plant or technique. We have also laid down the conditions which must be fulfilled before an employee can be retrenched, and have also laid down the procedure for retrenching employees and re-employing retrenched employees.

Clause 93 (original clause 84).—We are of opinion that proceedings before the various authorities under this Act should be disposed of as quickly as possible. It is not necessary that they should follow the elaborate procedure of the ordinary civil courts. They may follow a simpler procedure which may be laid down either by rules or by the Appellate Tribunal. The clause has been modified accordingly.

Clauses 94 and 95 (original clauses 85 and 86).—A collective agreement or award should not remain in operation for any period exceeding three years. These clauses have been modified accordingly.

Clause 98 (original clause 89).—We are of opinion that a legal practitioner should not be allowed to appear in any proceeding under this Act unless both parties agree and permission is given by the authority before whom the proceeding is pending. This, however, should not debar an officer of any employer, trade union or association of employers who is a legal practitioner from representing a party. We also think that it should be clearly laid down that an employee or employer may personally represent his case before any of the authorities under this Act. We have modified the clause accordingly.

Clause 100 (original clause 91).—We are of opinion that when an employer wants to alter the conditions of service of his employees in respect of any matter specified in the Third Schedule, he should not only give notice to the employees but should not make any change until 30 days have elapsed from the date of such notice. We have inserted a new sub-clause to provide for this matter.

The existing clause prohibits an employer from altering the conditions of service of any employee during the pendency of any proceeding under this Act except with the express permission of the authority concerned. This may occasionally cause hardship. We have, therefore, provided that an employer may suspend an employee for misconduct not connected with the dispute if the employee is paid full wages during the pendency of such proceeding. Other changes are consequential.

Clause 105 (original clause 96).—Under the existing clause, strikes or lock-outs were prohibited for any reason whatsoever during the pendency of any

proceeding under this Act or during the period in which any settlement, agreement or order or award is in operation. We are of opinion that strikes or lock-outs should be prohibited only in respect of disputes which are either pending before any authority or are covered by any settlement, etc.

We are also of opinion that the right to strike or declare a lock-out should not be denied if a proceeding before a Tribunal or the Appellate Tribunal continues for a very long period. We have accordingly provided that there should be no right to strike or declare a lock-out during a period of eight months from the date on which the proceeding before the Tribunal commenced or during the pendency of any proceeding before any Tribunal or the Appellate Tribunal, whichever is shorter.

We have omitted the proviso to sub-clause (*1*) and amended sub-clause (*1*) accordingly.

Clause 107 (*original clause 98*).—The existing clause prohibited all sympathetic or general strikes. We are of opinion that sympathetic or general strikes within the same industry, trade or class of establishments should be allowed. Parts (*d*) and (*e*) of sub-clause (*1*) have accordingly been modified.

Original clause 99.—We think that this clause should be omitted.

Clause 108 (*original clause 100*).—We think that the wages payable to an employee for the period of an illegal lock-out should be reduced from twice the average pay to 1½ times the average pay.

We are of opinion that when an illegal strike or lock-out is called off within 48 hours of its commencement, the employees or employer, as the case may be, should not be made to bear all the consequences of such illegal strike or lock-out. In such a case, the employee should only lose his wages for the period of the strike and the employer should pay wages and other contributions to the employees as if they had been on duty during the period of the lock-out. The employee or employer should not be made liable for any other penalty of illegal strike or lock-out under this Act. In order that the parties may not frequently resort to such strikes or lock-outs, we have further provided that any illegal strike or lock-out, though called off within 48 hours of its commencement, shall not cease to be illegal for any purpose whatsoever if it is declared or commenced within six months from the date of another illegal strike or lock-out. We have made this provision by adding a new sub-clause (*3*).

New clause 112.—We have added this new clause to indemnify employers against contractors or agents.

Clause 114 (*original clause 105*).—We have added a new sub-clause (*2*) to provide that where a trade union loses its registration or recognition or its certification as a bargaining agent for failure to comply with the terms of any settlement, etc., all the rights which such a trade union loses should be restored to the trade union if the trade union can satisfy the competent authority that it has fulfilled all the terms and conditions which it failed to comply with.

New clause 128.—We have inserted this new clause to provide for penalty for retrenching employees in contravention of the provisions of this Act.

Clause 130 (*original clause 120*).—We think that when a company commits an offence, to hold every director, manager, secretary or officer responsible for such offence may cause hardship. We have substituted a new clause for the existing clause.

Original clauses 121 and 122.—We have omitted these clauses.

Clause 132 (original clause 124).—We consider that any person aggrieved by any contravention made under this Act should be entitled to institute a case directly in the courts without the intervention of the appropriate Government. This clause has been modified accordingly.

Clause 138 (original clause 130).—Changes made are consequential.

Clause 140 (original clause 132).—We have amended this clause to make it clear that the laws in force in any State should be repealed only to the extent to which this Act is brought into force in that State.

The Second Schedule.—The changes made are more or less consequential. We think that "Retrenchment of employees" should be inserted in this Schedule.

The Third Schedule.—We have inserted this new Schedule with reference to the proviso to sections 27 and 39.

2. The Bill was published in Part V of the *Gazette of India,* dated the 25th February, 1950.

3. We think that the Bill has not been so altered as to require circulation under Rule 77 (4) of the Rules of Procedure and Conduct of Business in Parliament and we recommend that it be passed as now amended.

M. ANANTHASAYANAM AYYANGAR
JAGJIVAN RAM
B. R. AMBEDKAR
*SARANGDHAR DAS
*KHANDUBHAI K. DESAI
*HARIHAR NATH SHASTRI
*M. R. MASANI
*SUCHETA KRIPALANI
*SADIQ ALI
*R. VELAYUDHAN
SITA RAM S. JAJOO
SATYENDRA NARAYANA SINHA
*PRABHU DAYAL HIMATSINGKA
*T. A. RAMALINGAM CHETTIAR
*V. C. KESAVA RAO
**GOKULBHAI DAULATRAM BHATT
P. S. DESHMUKH
**B. L. SONDHI
**H. V. KAMATH

NEW DELHI;
The 1st December, 1950.

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* Subject to a minute of dissent.
** Subject to minutes of dissent.

MINUTES OF DISSENT

I

I am in disagreement with the point of view of the majority of the members of the Committee on a number of important and fundamental questions. I shall indicate in this note only the more important points of disagreement.

I am opposed to the principle of compulsory adjudication as it will severely restrict the fundamental right of the workers to strike, universally recognised as such in all democratic countries of the world. Compulsory adjudication hampers collective bargaining and weakens the trade union movement.

What the legislation should really provide is an impartial, efficient and a simple arbitration machinery which can inspire confidence in the minds of both the parties—the employees as well as the employers—so that they may voluntarily agree to refer their disputes to it for arbitration. The machinery as provided in the Bill is very complicated and would involve protracted proceedings before the Conciliation Officer, the Tribunal or the Appellate Tribunal as the case may be and delay the quick settlement of industrial disputes.

The percentage of membership fixed for certification of trade unions as bargaining agents is too high in the present state of the trade union movement. It is likely that in some undertakings comprising the unit for collective bargaining under the Bill the certified bargaining agent may have little or no membership. It would have been more appropriate to use the democratic method of secret ballot and permit all the workers in the unit, or the undertaking, as the case may be, to elect the bargaining agent.

A large number of workers have been excluded from the operation of the Bill. The definition of "civil servants" is quite involved and complicated. It would have been desirable to permit civil servants drawing a salary of less than Rs. 350 to be covered by the Bill. There is no justification for excluding domestic servants.

SARANGDHAR DAS.

NEW DELHI;
The 1st December, 1950.

II

We are in general agreement with the Bill, as reported by the Select Committee. In its present revised form, the Bill registers a distinct improvement on the original Bill which was open to some serious objections from labour viewpoint. Our support to the Bill, however, is subject to the observations made in this note.

In the definition chapter, our opposition was mainly directed against, clause 8, relating to civil servants. Civil servants are destined to play an important part in the stability of the State and efficient Administration of the country and they are entitled to adequate protection in regard to their service conditions. In the Select Committee, we had expressed the view that there was no justification why any discrimination should be made to their detriment and why they should be denied a legitimate channel for the redress of their grievances. An assurance was given to the Committee on behalf of the Government, that while for practical reasons civil employees were kept out of the

purview of this Bill, the Home Ministry were contemplating to bring at an early date a separate Bill to provide suitable machinery for dealing with the grievances of civil servants. In view of that assurance we waived our original objection in regard to putting civil servants on a separate footing from other classes of workers.

Our other objection in regard to clause 8 referred to above, was that certain classes of workers, who to all practical purposes were considered as industrial workers, were included in the category of civil servants. In such a list came the postal employees including telegraphists and telephone operators. The reason advanced on behalf of the Government for inclusion of these employees in the category of civil servants was, that they were fully governed by civil service rules and enjoyed all the privileges to which civil servants of the Government were entitled. We drew their attention to the fact that there was a large number of employees in postal section who were not governed by civil service rules. It was conceded by the Government that such employees would come under the purview of the Labour Relations Bill.

Another set of employees who were put in the category of civil servants were those employed in the offices of Railway Board or General Managers and in those of Director-General of Ordnance Factories. We saw no justification for excluding them from the purview of this legislation by bringing them under the definition of civil servants. Unlike postal employees, a large section of these employees were not governed by civil service rules and so there was no reason why in the absence of any protection as afforded to civil servants, they should be kept out of the purview of this Bill. While we pressed this point in the Select Committee the weight of the argument was appreciated and it was unanimously resolved that a recommendation should be made to the Government to extend all the rules and privileges enjoyed by civil servants, to these categories of employees. Our concurrence on this point is clearly on this clear understanding; that by the time this Bill is finally considered by the Parliament, the Government will announce their decision to place these workers on the level of civil servants in regard to service conditions. In absence of any such undertaking, we reserve our right to re-insist that these workers should be excluded from the category of civil servants as defined in this Bill.

In clause 11, a new provision has been added by the Select Committee to the effect that where a dispute relating to Banking or Insurance concerns is referred to a Tribunal, a person having special knowledge of or experience in banking or insurance, shall be appointed a member of the Tribunal. Similar provision is made in clause 74 dealing with Appellate Tribunals. We fail to agree with this principle. Every industry in the country has its special importance as significant as that of banking or insurance and a distinction like this, is, in our opinion uncalled for. Our opposition is based on another ground also. In our view, machinery of adjudication can inspire respect and confidence only, if it is manned by persons who work with a judicial mind and whose integrity may not be open to question because of their particular associations. Instead of making any such provision in the Bill, the best course would be, to include in tribunals, a judge who has had knowledge of or experience in dealing with commercial cases, in his judicial career.

While we are in general agreement with the clauses relating to dismissal and retrenchment, as embodied in Chapter X of the Bill, which register a remarkable improvement on the original Bill, we regret to record our strong dissent from a discriminating provision in clause 84, putting bank employees

on a separate footing from workers in other industries, in cases of victimization. We fail to appreciate why such an invidious distinction should be made to the detriment of employees in the banking concerns.

In the same chapter, clause 83 lays down that no employee who has been in continuous employment under an employer for not less than six months shall be dismissed from service for any misconduct, without reasonable opportunity being given to him to show cause against the action proposed to be taken against him. As it is, this clause is liable to be used to the detriment of seasonal employees, whose period of continuous service may be less than six months at a stretch. We suggested to the Select Committee that the term "continuous" should be so defined as to cover the period of off-season in case of seasonable employees. The Select Committee appreciated the weight of our argument. But our attention was drawn to clause 138 wherein it is laid down that the Central Government may by notification make rules to provide for certain matters including "meaning of continuous employment for the purposes of sections 83 and 88". An assurance was given to the Committee on behalf of the Government that our viewpoint would be fully borne in mind when rules would be framed by the Government.

KHANDUBHAI K. DESAI
HARIHAR NATH SHASTRI
H. V. KAMATH
R. VELAYUDHAN
SUCHETA KRIPALANI
SADIQ ALI
V. C. KESAVA RAO
GOKULBHAI DAULATRAM BHATT

NEW DELHI;
The 1st December, 1950.

III

I generally agree with the separate note of Shri Khandubhai Desai and others.

I am not in agreement with that part of the note relating to clause 11 and 74 wherein suitable provision is made to include a person having special knowledge of Banking and Insurance as a member of the Tribunal.

GOKULBHAI DAULATRAM BHATT

NEW DELHI;
The 1st December 1950.

IV

Besides the points of disagreement indicated in the minute of dissent which I have signed jointly with some of my colleagues on the Select Committee, I have to briefly mention a few other somewhat fundamental issues on which I am constrained to differ from the majority.

2. While stating that a *via media* as regards "employee" and "civil servant" has been suggested in the joint minute of dissent, I must say that the definition of "employee" and the consequent exclusion of such categories

of workers as the "civil servants", and of various public utilities from the benefits of this labour legislation entails a denial of the fundamental right of association or union, as provided for in the Constitution. The exclusion of, perhaps, a still larger number of more helpless workers *viz.*, domestic servants, from the purview of this measure is also objectionable.

3. The provisions in the Bill regarding Collective Bargaining, and the appointment of a certified bargaining agent, militate against the effective functioning of a real, working industrial democracy. These provisions will tend to make only such unions prevail, and such bargaining agents appointed, as are acceptable to the employer, or favoured by the party in power, and thus deny real freedom to the majority of workers to choose their own bargaining agent.

4. The multiple machinery of conciliation, adjudication and appeal is likely to make the process of workers seeking effective redress of their grievances protracted and expensive. This may so operate as to exhaust the slender resources of even the best organized unions, and thus handicap employees in their disputes with employers.

5. Under the socio-economic system as it exists and functions today, the worker has unfortunately, a dread of compulsory adjudication or arbitration. The provisions of this Bill in that behalf are, in effect tantamount to such a system of compulsion.

6. The provisions relating to restrictions on the right of strike—the workers' only weapon against continued injustice and exploitation—add to the objectionable features of this measure. The Chapter on Directives of State Policy in the Constitution has promised to provide work, and a living wage for every citizen able to work. No arrangement has, however, so far been made to make good this constitutional promise and provide work for everyone; and so long as gainful employment cannot be provided for every worker, denial of or drastic restriction on the right to strike would take away from the worker the only means in his power to obtain some measure of relief from injustice and exploitation.

7. The power to declare strikes illegal, and the wide scope given to "essential services", combine to create yet another handicap against the organised worker, and so prevent him from seeking and obtaining substantial redress of his grievances.

8. If the provisions of the Bill referred to above are suitably modified, this important measure can still assist in the vital task of promoting the solidarity of the working class, strengthening the labour movement, and progressively building up social peace and national unity.

H. V. KAMATH.

NEW DELHI;
The 1st December, 1950.

V

Clauses 115 to 120 dealing with the special provisions for exercising control by the appropriate Government with regard to certain undertakings should be deleted as they are really outside the scope of this Bill, which is primarily meant for the purpose of prevention, investigation and settlement of labour disputes. Government's power to take over an undertaking as a controlled undertaking should be prescribed, if at all, by a separate Act, such, for instance, as the Industries (Control) Bill. The opposition aroused by that Bill should, however, be a pointer to the fact that such measures are not feasible.

The Labour Relations Bill provides sufficient penalties against employers who do not comply with the terms of an award; penalties sufficient to make them comply with the award. Furthermore, there is no guarantee that when Government controls the undertaking it would be in a position to implement all the terms of the award made by the Tribunal. Government will be taking on a responsibility which they may not be able to fulfil. Indigenous as well as foreign capital would be hesitant to invest in industrial undertakings if such provisions are allowed to stand, and it is likely that in the long run even the interests of Labour itself may be prejudiced.

T. A. RAMALINGAM CHETTIAR
B. L. SONDHI
M. R. MASANI

NEW DELHI;
The 1st December, 1950.

VI

I regret I do not agree with the majority with regard to some of the provisions. It should be borne in mind that undue extension of the provisions of the Labour Relations Bill to various calling professions and occupations other than connected with trade, business, manufacture and industry may lead to very undesirable consequences and a lot of administrative difficulties. But in any case if it is proposed that the Bill should cover the various classes of establishments, then establishments owned or managed by the Government or by private enterprise should be treated on equal basis. I, therefore, feel that the definition of "establishment" should be limited to any unit of employment in any trade, business, manufacture, industry, industrial service or other commercial activity employing not less than hundred persons unless the unit is a factory or mine covered by the Indian Factories Act or the Indian Mines Act.

Regarding works committee I do not think that works committees are necessary for any establishment other than industrial establishment, factory, etc. Therefore, if a second proviso is added to clause 5 to the effect that constitution of works committee under this clause will be optional in the case of commercial establishments, that might obviate the difficulty of works committee being formed in such establishments.

In clause 100 there should be no bar to "punishment by dismissal or otherwise of an employee for misconduct which is not connected with any dispute" that might be pending before any court or tribunal and, therefore, the first proviso to that section might be suitably amended to exclude from the necessity of permission being sought if the case is for misconduct not connected with the dispute.

Clauses 115 to 120 should be deleted and should not find place in this Bill. In legislation dealing with labour relations there is no place for a provision for Government to take action for securing the public safety or the maintenance of public order or for maintaining supplies. These are exceptional circumstances and can be only carried through in any emergency by emergency legislation such as an Ordinance, etc. They cannot form part of the normal legislation of the country. If it is claimed that the whole purpose of clauses 115 to 120 is to enable Government to run undertakings which fail to comply with orders of Industrial Tribunals, the answer is that there are already in existence suitable safeguards in the Bill for enforcing awards against employers who fail to carry them out.

It should be noted that the present Bill provides for recovery of any money due from an employer under any settlement or collective agreement or order of a court or award as arrears of land revenue or as a public demand, *vide* clause 111 and, therefore, these provisions are absolutely unnecessary and uncalled for. These extremely severe provisions now proposed will militate against the establishment of new industries and are likely to impede the growth and development of industries in the country and appear to be wholly unjustified.

Some special provisions should have been made in the Bill in respect to banks and insurance companies. After all, in banks and insurance companies the assets belong mostly to others and unless we treat the banks and insurance companies as credit institutions and save them from unnecessary interference, it might act as a damper and also stand in the way of development of these institutions which will react very adversely on all financial matters.

B. L. SONDHI.

NEW DELHI;
The 1st December, 1950.

VII

I regret I do not agree with the majority with regard to some of the provisions. It should be borne in mind that undue extension of the provisions of the Labour Relations Bill to various calling professions and occupations other than connected with trade, business, manufacture and industry may lead to very undesirable consequences and a lot of administrative difficulties. But in any case if it is proposed that the Bill should cover the various clauses of establishments, then establishments owned or managed by the Government or by private enterprise should be treated on equal basis. I, therefore, feel that the definition of establishment should be limited to any unit of employment in any trade, business, manufacture, industry, industrial service or other commercial activity employing not less than hundred persons unless the unit is a factory or mine covered by the Indian Factories Act or the Indian Mines Act.

Clause 2(15) (d) also extends the scope of "employer" very wide and in case of contractor, the contractor should be held the "employer".

In clause 2 (26) we should include "concerted slow-down or other concerted interruption of operations by employees". This is a method which is very frequently adopted and should be included in the term "strike".

Regarding works committee, I do not think that works committees are necessary for any establishment other than industrial establishment, factory, etc. Therefore, if a second proviso is added to clause 5 to the effect that constitution of works committees under this clause will be optional in the case of commercial establishments, that might obviate the difficulty of works committees being formed in such establishments.

I think that inclusion of other establishments in a reference to a Tribunal as provided under clause 49 is likely to create a lot of complications and, therefore, the power to include other establishments in a reference by the Government "of its own motion" should be deleted.

As regards clause 77, in my view the proviso thereto unnecessarily fetters the discretion of the Appellate Tribunal which will consist of, in most cases, retired High Court Judges and there is no reason why they should not be trusted

to exercise their discretion properly. The conditions laid down by the proviso are very restrictive and they have been so interpreted in certain cases.

As regards clause 98.—Representation of parties,—the provisions as in the original Bill were quite proper. There is no reason why in a labour dispute there should be any bar to a party to appear by a person of his choice before a Commission, Labour Court Tribunal or Appellate Tribunal. The clause as now proposed by the majority is very restrictive. The employers feel that unnecessary impediments are being put in their way of proper representation before the Labour Tribunals and, therefore, all words after the words "legal practitioner" in sub-clause (4) of clause 98 should be deleted. If it is thought necessary to restrict the right to appear of legal practitioner before Labour Court-Tribunal or the Appellate Tribunal, this may be made subject to the consent or permission of the court concerned. But it should not be made dependent on the consent of the other party.

In clause 100 there should be no bar to "punishment by dismissal or otherwise of an employee for misconduct which is not connected with any dispute" that might be pending before any court or tribunal and, therefore, the first proviso to that section might be suitably amended to exclude from the necessity of permission being sought if the case is for misconduct not connected with the dispute.

Clauses 115 to 120 should be deleted and should not find place in this Bill. In legislation dealing with labour relations there is no place for a provision for Government to take action for securing the public safety or the maintenance of public order or for maintaining supplies. These are exceptional circumstances and can be only carried through in an emergency by emergency legislation such as an Ordinance, etc. They cannot form part of the normal legislation of the country. If it is claimed that the whole purpose of clauses 115 to 120 is to enable Government to run undertakings which fail to comply with orders of Industrial Tribunals, the answer is that there are already in existence suitable safeguards in the Bill for enforcing awards against employers who fail to carry them out.

It should be noted that the present Bill provides for recovery of any money due from an employer under any settlement or collective agreement or order of a court or an award as arrears of land revenue or as a public demand (*vide* clause 111) and, therefore, these provisions are absolutely unnecessary and uncalled for. These extremely severe provisions now proposed will militate against the establishment of new industries and are likely to impede the growth and development of industries in the country and appear to be wholly unjustified.

Some special provision should have been made in the Bill in respect to banks and insurance companies. After all, in banks and insurance companies the assets belong mostly to others and unless we treat the banks and insurance companies as credit institutions and save them from unnecessary interference, it might act as a damper and also stand in the way of development of these institutions which will react very adversely on all financial matters.

P. D. HIMATSINGKA.

NEW DELHI;
The 1st December, 1950.

THE LABOUR RELATIONS BILL, 1950

(As amended by the Select Committee)

(Words sidelined or underlined indicate the amendments suggested by the Committee; asterisks indicate omissions)

Bill No. 6 of 1950.

A Bill to provide for the regulation of the relationship between employers and employees, for the prevention, investigation and settlement of labour disputes and for certain matters incidental thereto.

Be it enacted by Parliament as follows :—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—(*1*) This Act may be called the Labour Relations Act, 1950.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) This section shall come into force at once; the remaining provisions of this Act shall come into force on such date or dates, not later than one year from the coming into force of this section, as the Central Government may, by notification in the Official Gazette, appoint in this behalf, and different dates may be appointed for different States:

Provided that in issuing such a notification with respect to any State, the Central Government may direct that such provisions shall apply to such class or classes of establishments only within that State as may be specified in the notification.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*1*) "Appellate Tribunal" means the Labour Appellate Tribunal constituted by the Central Government under section 12;

(*2*) "appropriate Government" means—

(*a*) the Central Government, in relation to any labour dispute, or any matter regulating the relationship between employers and employees in any of the following establishments, namely :—

(*i*) railways,

(*ii*) major ports,

(*iii*) any form of inland or coastal transport which maintains establishments and connected services in more than one State,

(*iv*) mines,

(*v*) oilfields,

(*vi*) industries, the control of which by the Union has been declared by Parliament by law to be expedient in the public interest and which are notified in this behalf by the Central Government in the Official Gazette,

(*vii*) insurance companies having branches in more than one State,

(*viii*) insurance companies having branches in more than one State,

(*ix*) such corporations established by the authority of the Central Government as are notified in this behalf by that Government in the Official Gazette,

(*x*) establishments carried on by or under the authority of the Central Government or in which not less than fifty per cent of the total capital is provided by that Government,

(*xi*) any other establishment or class of establishments, the objects or activities of which are not confined to one State and which, in consultation with the State Governments concerned, is notified in this behalf by the Central Government in the Official Gazette, and

(*b*) the State Government, in relation to any labour dispute, or any matter regulating the relationship between employers and employees in any other establishment;

(*3*) "average pay" means the average of the wages paid or payable to an employee—

(*a*) in the case of monthly paid employees, in the three complete calendar months,

(*b*) in the case of weekly paid employees, in the four complete weeks,

(*c*) in the case of daily paid employees, in the twelve full working days,

preceding the date on which the average pay becomes payable if the employee had worked for three complete calendar months or four complete weeks or twelve full working days, as the case may be, and where such calculation cannot be made, average pay shall be calculated as the average of the wages paid or payable to an employee during the period he actually worked;

* * * * * *

(*4*) "award" means any interim or final determination by a Tribunal of any labour dispute or of any question relating thereto;

(*5*) "bargaining agent" means * * * a registered trade union or the representatives of employees chosen in the prescribed manner who may act on behalf of the employees in collective bargaining;

(*6*) "Board" means a Board of Conciliation constituted by the appropriate Government under section 7;

(*7*) "certified bargaining agent" means a bargaining agent certified under this Act, such certification not having been revoked;

(*8*) (*a*) "civil servant" means a person who is a member of a civil service of the Union or an All-India service or a civil service of a State or holds any civil post under the Union or a State;

Provided that such a person shall not be deemed to be a civil servant if he—

(*i*) is paid from contingencies, or

(*ii*) is employed either as a gazetted servant drawing a basic pay (excluding allowances) of not less than two hundred rupees per mensem or as a non-gazetted servant in any of the following establishments owned or managed by or under the Central or a State Government, namely :—

I. railways and other forms of transport;

II. ports, docks, wharves or jetties;

III. telegraph, telephone, wireless telegraph or broadcasting establishments;

IV. mints;

V. printing presses;

VI. ordnance factories, depots or other installations;

VII. public works establishments, in so far as they relate to work charged staff;

VIII. irrigation and electric power establishments;

IX. plantations;

X. mines as defined in clause (*f*) of section 3 of the Indian Mines Act, 1923 (IV of 1923);

XI. factories, as defined in clause (*m*) of section 2 of the Factories Act, 1948 (LXIII of 1948);

Explanation.—Notwithstanding anything contained in the proviso, a person shall not be deemed to be excluded from being a civil servant within the meaning of this clause if such person is employed—

(*i*) in the offices of the Railway Board, or of the general managers of railways and other forms of transport, or

(*ii*) in the offices of the Director-General of Posts and Telegraphs and any Postmaster-General or the Director-General of Broadcasting, or

(*iii*) in the offices of the Director-General of Ordnance Factories, or

(*iv*) in the offices of any chief engineer or superintending engineer or any public works establishment notified in this behalf by the appropriate Government, or

(*v*) as a telegraphist, telephone or wireless operator;

(*b*) the appropriate Government may, if it is satisfied that the public interest so requires, by notification in the Official Gazette, amend the entries specified in clause (*a*) so as to include in, or exclude from, the definition of "civil servant" any person or class of persons employed in any office or in any establishment or class of establishments:

Provided that no such notification shall be issued so as to include any class of persons within the definition of "civil servant" unless the appropriate Government is satisfied that the conditions of service applicable to such class of persons are not less satisfactory than those applicable to civil servants of a similar class:

Provided further that every such notification shall, on the first available opportunity, be laid by the appropriate Government before Parliament or, as the case may be, before the Legislature of the State;

(9) "collective agreement" means an agreement in writing between an employer on the one hand and a certified bargaining agent on the other containing terms and conditions of employment or non-employment of an employee or the privileges, rights, liabilities or duties of the employer or employees, or the terms and conditions of the settlement of any labour dispute;

(10) "collective bargaining" means negotiations between an employer on the one hand and a certified bargaining agent on the other with a view to the settlement of any labour dispute or to the conclusion of a collective agreement and includes the renewal, modification or revision of any collective agreement; and the expression "bargain collectively" shall be construed accordingly;

(11) "Commission" means a commission of inquiry constituted by the appropriate Government under section 9;

(12) "Conciliation Officer" means a Conciliation Officer appointed under this Act and includes the Chief Conciliation Commissioner, any Additional Chief Conciliation Commissioner, Regional Conciliation Commissioner and Chief Conciliation Officer;

(13) "conciliation proceeding" means any proceeding held by a Conciliation Officer, a Board or Standing Board under this Act;

(14) "employee" means any person employed in any establishmen to do any work for hire or reward, whether the terms of employment be express or implied, and for the purpose of any proceeding under this Ac in relation to a labour dispute, includes any person who has been dismisse or discharged in connection with, or as a consequence of, that dispute, o from whose dismissal or discharge that dispute has arisen, but does no include—

(a) any civil servant; or

(b) any member of the armed forces or police forces; or

(c) any person employed in any establishment—

(i) primarily in a managerial or other administrative capacit drawing a basic pay (excluding allowances) of not less than thre hundred and fifty rupees per mensem; or

(ii) as an apprentice; or

(d) any domestic servant who is directly in the pay of the perso under whom he is employed;

(15) "employer", in relation to any establishment, means a perso who engages the services of another person to do any work for hire o reward in that establishment, and includes—

(a) any person who has the ultimate control of such establishmen

(b) in relation to any establishment carried on by or under th authority of any department of the Government, the authority pr scribed in this behalf, or, where no authority is so prescribed, the hea cribed in this behalf, or, where no authority is so prescribed, the hea of the department;

(*c*) in relation to any establishment carried on by a local authority, the chief executive officer of that authority;

(*d*) in relation to any person employed in any establishment through any contractor or agent for the execution on the premises of the establishment concerned by or under such contractor or agent of the whole or any part of any work which is ordinarily part of the trade, business, manufacture or industry of the establishment, the person engaging the services of the contractor or agent;

(*16*) "establishment" means any unit of employment in any trade, business, manufacture, industry, service, calling, profession or other occupation or avocation, and includes any unit of employment under the authority of the Government or a local authority or an association of persons, whether incorporated or not, but does not include any unit of employment in which not more than ten persons are employed:

Provided that the appropriate Government may, by notification in the Official Gazette, declare any unit of employment employing not more than ten persons to be an establishment;

Explanation.—For the purposes of this clause, the Central Government or a State Government may, by notification in the Official Gazette, specify the units of employment under the authority of such Government;

(*17*) "independent person" for the purpose of appointment as Chairman or other member of any of the authorities under this Act, means a person who is not connected with, or interested in,—

(*a*) the labour dispute referred to, or pending before, such authority; or

(*b*) any establishment directly affected by such dispute;

(*18*) "Labour Court" means a Labour Court constituted by the appropriate Government under section 10;

(*19*) "labour dispute" means any dispute or difference * * * between an employer on the one hand and one or more of his employees, or a certified bargaining agent on the other, or between employees and employees, concerning—

(*a*) the employment or non-employment of any employee or class of employees; or

(*b*) the terms or conditions of employment of any employee or employees generally or any class of them; or

(*c*) the privileges, rights, duties or liabilities of the employer or of any employee or the employees generally or any class of them, whether or not there is a subsisting agreement between the employer and the employee or employees regarding all or any such matters;

and includes any dispute or difference which may arise on the dismissal of an employee or which relates to the reinstatement of such employee;

(*20*) "lock-out" means the closing of a place or part of a place of employment or the total or partial suspension of work by an employer or the total or partial refusal by an employer to continue to employ any group of his employees, where such closing, suspension, or refusal by an employer occurs in consequence of a labour dispute and is intended for the purpose of compelling his employees, or of aiding another employer to compel his employees to accept terms or conditions of, or affecting, employment;

(21) "prescribed" means prescribed by rules made under this Act;

(22) "public utility service" means—

(a) any railway service or any other transport service operated by power for the carriage of passengers or goods by land, water or air;

(b) any section of an establishment (including the watch and ward staff) on the working of which depends the safety of that establishment or of the employees employed therein:

Provided that, if any question arises as to whether such safety depends on any section of the establishment, the decision thereon of the chief inspector of mines in respect of mines and of the chief adviser of factories, in respect of other establishments in relation to which the Central Government is the appropriate Government, and of the chief inspector of factories, in any other case, shall be final;

(c) any postal, telegraph or telephone service;

(d) any establishment which supplies power, light or water to the public;

(e) any system of public conservancy or sanitation;

(f) any hospital, nursing home, maternity home or fire-fighting service owned or managed by the Government or any local authority or managed under a trust created for public purposes of a charitable nature;

(g) any service in, or connected with, ports, docks, wharves or jetties which the Central Government may, by notification in the Official Gazette, declare to be a public utility service for the purposes of this Act;

(h) any mint or security press;

(i) any establishment or class of establishments which the Central Government may, if satisfied that it is essential for the defence or internal security of India, by notification in the Official Gazette, declare to be a public utility service for the purposes of this Act;

(j) any establishment or class of establishments which the appropriate Government may, if satisfied that public interest or emergency so requires, by notification in the Official Gazette, declare to be a public utility service for the purposes of this Act for such period as may be specified in the notification:

Provided that the period so specified shall not, in the first instance, exceed six months, but may, by a like notification, be extended from time to time by any period not exceeding six months at any one time, if in the opinion of the appropriate Government public interest or emergency requires such extension;

(23) "settlement" means a settlement arrived at in the course of negotiations or conciliation proceedings;

(24) "Standing Board" means a Standing Conciliation Board constituted by the appropriate Government under section 8;

(25) "standing orders" means orders relating to such of the matters set out in the First Schedule as may be applicable in each case;

(26) "strike" means a total or partial cessation of work by employees acting in combination, or a concerted refusal or a refusal under a common understanding, of any group of employees to continue to work * * * where such cessation or refusal by the employees occurs in consequence of a labour dispute and is intended for the purpose of compelling their employer, or of aiding the employees of any other establishment to compel their employer to accept terms or conditions of, or affecting, employment;

(27) "Tribunal" means a Labour Tribunal constituted by the appropriate Government under section 11;

(28) "wages" means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, express or implied, were fulfilled, be payable to an employee in respect of his employment or of work done in such employment, and includes—

(i) such allowances (including dearness allowance) as the employee is for the time being entitled to;

(ii) the value of any house accommodation, or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of food grains or other articles;

(iii) any travelling concession,

but does not include—

(i) any bonus or payment due under any scheme of profit-sharing payable periodically and not forming part of the remuneration payable under the terms of employment;

(ii) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the employees under any law for the time being in force;

(iii) any gratuity payable to an employee on the termination of his service;

(29) the expressions "trade union", "registered trade union" and "recognised trade union" have the meanings respectively assigned to them in the Trade Unions Act, 1950;

(30) any reference to an enactment not in force in any Part B State shall, in relation to that State, be construed as a reference to the corresponding law in force in that State.

CHAPTER II

AUTHORITIES UNDER THE ACT

3. *Authorities under the Act.*—For the purpose of giving effect to the provisions of this Act, the following authorities may be appointed or constituted in the manner hereinafter provided, namely:—

(1) Registering Officers,

(2) Works Committees,

(3) Conciliation Officers,

(4) Boards of Conciliation,

(5) Standing Conciliation Boards,

(6) Commissions of Inquiry,

(7) Labour Courts,

(8) Labour Tribunals,

(9) The Appellate Tribunal.

4. *Registering Officers.*—The appropriate Government may, by notification in the Official Gazette, appoint as many Registering Officers as may be necessary for the purpose of registering standing orders, and every Registering Officer shall exercise his functions in such area or areas as may be specified in the notification.

5. *Works Committees.*—(*1*) The appropriate Government may, by general or special order, require the employer of any establishment to constitute in the prescribed manner a Works Committee for the whole of the establishment or any such part thereof as may be specified in the order, and every such Works Committee shall consist of the representatives of the employer and the employees employed in that establishment or part of that establishment, as the case may be:

Provided that in no such Works Committee, the number of representatives of the employees shall be less than the number of representatives of the employer.

(*2*) The representatives of the employees on the Works Committee shall be chosen in the prescribed manner, in consultation with the certified bargaining agent, if any, or, if there is no such bargaining agent, with the recognised trade union, if any, or, if there is no such recognised trade union, with such trade unions, if any, as consist wholly or partly of the employees who are to be represented on the Works Committee.

(*3*) It shall be the duty of the Works Committee to promote measures for securing and preserving amity and good relations between the employer and employees, for increasing production, and for promoting the settlement of any labour dispute that may be voluntarily placed before such Committee by all the parties to the dispute.

6. *Conciliation Officers.*—(*1*) The Central Government may, in respect of establishments in relation to which it is the appropriate Government, appoint a Chief Conciliation Commissioner having jurisdiction over all such establishments and as many Additional Chief Conciliation Commissioners, Regional Conciliation Commissioners and Conciliation Officers as may be necessary and may, by general or special order, provide for the distribution or allocation of work to be performed by them under this Act.

(*2*) A State Government may, in respect of establishments in relation to which it is the appropriate Government, appoint a Chief Conciliation Officer for the State having jurisdiction over all such establishments within the State and as many Conciliation Officers as may be necessary and may, by general or special order, provide for the distribution or allocation of work to be performed by them under this Act.

(*3*) Any reference in this Act to the Chief Conciliation Officer shall, in respect of establishments in relation to which the Central Government is the appropriate Government, be construed as including a reference to the Chief Conciliation Commissioner and Additional Chief Conciliation Commissioners,

(4) A Conciliation Officer may be appointed for any specified area or for a specified class of establishments or for one or more specified labour disputes and shall discharge the duties imposed on him under this Act under the general superintendence and control of the Chief Conciliation Officer.

(5) It shall be the duty of Conciliation Officers to mediate in, and promote the settlement of, labour disputes.

7. *Boards of Conciliation.*—(1) The appropriate Government may, by notification in the Official Gazette, constitute a Board of Conciliation for promoting the settlement of any labour dispute referred to it:

Provided that where a Conciliation Officer has taken any steps to promote the settlement of such dispute, no such Board shall be constituted except with the consent of all the parties to the dispute.

(2) A Board shall consist of a Chairman and either two or four other members as the appropriate Government may think fit to appoint.

(3) The Chairman shall be an independent person and the other members shall be persons appointed in equal numbers, on the recommendation of the parties to the dispute, to represent those parties:

Provided that no Board shall be constituted if any party fails to make such recommendation within the prescribed time.

(4) A Board shall not act in the absence of the Chairman or of all the members representing either the employers or the employees.

(5) Subject to the provisions of sub-section (4), a Board may act, notwithstanding the absence of any member or any vacancy therein, if it has the prescribed quorum:

Provided that where the appropriate Government requires the Board not to act on account of any vacancy therein, the Board shall not act until a new member is appointed to fill the vacancy.

8. *Standing Conciliation Boards.*—(1) The appropriate Government may, by notification in the Official Gazette, constitute for any area or for any class of establishments specified in the notification, a Standing Conciliation Board for promoting the settlement of any labour dispute that may arise in such area or such establishments.

(2) A Standing Board shall consist of a Chairman and such number of other members as the appropriate Government may think fit to appoint.

(3) The Chairman shall be an independent person and the other members shall be persons appointed in equal numbers to represent the interests of the employers and employees.

(4) A Standing Board shall not act in the absence of the Chairman or of all the members representing either the employers or the employees.

(5) Subject to the provisions of sub-section (4), a Standing Board may act, notwithstanding the absence of any member or any vacancy therein, if it has the prescribed quorum:

Provided that where the appropriate Government requires the Standing Board not to act on account of any vacancy therein, the Standing Board shall not act until a new member is appointed to fill the vacancy.

(6) Where any Standing Board is constituted under this section, no Board shall be constituted under section 7 for promoting the settlement of any labour dispute arising within the jurisdiction of the Standing Board.

(7) Notwithstanding the constitution of a Standing Board under this section, where any labour dispute arising within its jurisdiction * * * is referred by the appropriate Government to a * Tribunal under section 47, or where in respect of that dispute, an application is presented under section 61 to a Labour Court, the Standing Board, on such reference or on the presentation of such an application, as the case may be, shall cease to have jurisdiction over that dispute.

9. *Commission of Inquiry.*—(1) The appropriate Government may, by notification in the Official Gazette, constitute a Commission of Inquiry for inquiring into any matter referred to it whether or not such matter is connected with, or relevant to, a labour dispute.

(2) A Commission may consist of one independent person or of such an odd number of independent persons as members as the appropriate Government may think fit to appoint and, where a Commission consists of more than one member, one of them shall be appointed as the Chairman thereof.

(3) Where a Commission consists of more than one member, the Commission may act, notwithstanding the absence of the Chairman or of any other member or any vacancy therein, if it has the prescribed quorum :

Provided that where the appropriate Government requires the Commission not to act on account of any vacancy therein, the Commission shall not act until a new Chairman or member, as the case may be, is appointed to fill the vacancy.

10. *Labour Courts.*—(1) The appropriate Government may, by notification in the Official Gazette, constitute as many Labour Courts as it deems necessary for the adjudication of labour disputes relating to any matter which is not specified in the Second Schedule and for discharging such other functions as may be assigned to them under this Act.

(2) A Labour Court shall be presided over by a person, appointed by the appropriate Government, who—

(a) is or has been a member of the judicial * * service in a State, or

(b) is or has been a member of an executive service in a State having not less than two years' experience in dealing with matters regulating the relationship between employers and employees, or

(c) is qualified for appointment as a member of the judicial service in a State :

Provided that the maximum age limit, if any, applicable to the appointment of a member of such service shall not apply to any appointment under this section :

Provided further that no appointment under this section shall be made except with the approval of the High Court of the State in which the Labour Court has, or is intended to have, its usual seat.

11. *Labour Tribunals.*—(*1*) The appropriate Government may, by notification in the Official Gazette, constitute as many Labour Tribunals as it deems necessary for discharging the functions assigned to them under this Act.

(*2*) A Tribunal shall consist of such number of members as the appropriate Government may think fit to appoint, and where the Tribunal consists of two or more members, one of them shall be appointed as the Chairman thereof :

Provided that where the labour dispute affecting any banking or insurance company is referred to a Tribunal, a person having special knowledge of, and experience in, banking or insurance, as the case may be, shall be appointed as a member of the Tribunal.

(*3*) Where the Tribunal consists of only one member, that member, and where it consists of two or more members, the Chairman of the Tribunal, shall be a person who—

(*a*) is or has been a Judge of a High Court, or * * *

(*b*) is or has been a district judge, or

(*c*) has been the presiding officer of a Labour Court for not less than three years, or

(*d*) is qualified for appointment as a Judge of a High Court, or

(*e*) has special knowledge of, and experience in, banking or insurance :

Provided that no appointment under this section to a Tribunal shall be made of any person not qualified under clause (*a*) or clause (*e*) except with the approval of the High Court of the State in which the Tribunal has, or is intended to have, its usual seat.

(*4*) All members of the Tribunal shall be independent persons and every member thereof, other than those referred to in sub-section (*3*), shall possess such qualifications as may be prescribed.

(*5*) A Tribunal, where it consists of two or more members, may act notwithstanding the absence of any member or any vacancy therein.

12. *Appellate Tribunal.*—(*1*) The Central Government may, by notification in the Official Gazette, constitute an Appellate Tribunal for hearing appeals from the awards of Tribunals in accordance with the provisions of this Act.

(*2*) The Appellate Tribunal shall consist of a Chairman and such number of other members as the Central Government may think fit to appoint.

(*3*) Every member of the Appellate Tribunal shall be an independent person who—

(*a*) is or has been a Judge of a High Court, or

(*b*) is qualified for appointment as a Judge of a High Court, or

(*c*) has been a member of a Tribunal for not less than two years, or

(*d*) has special knowledge of, and experience in, banking or insurance :

Provided that no appointment under this section to the Appellate Tribunal shall be made of any person not qualified under clause (*a*) or clause (*d*) except with the approval of the Supreme Court.

(*4*) A member shall, unless otherwise specified in the order of appointment, hold office for a term of five years from the date on which he enters upon his office and shall, on the expiry of the term of his office, be eligible for reappointment :

Provided that no member shall hold office after he has attained the age of sixty-five years.

(*5*) A member shall be entitled to such salary and allowances and to such rights in respect of leave and pensions as may be prescribed :

Provided that the salary of a member shall not be varied to his disadvantage after his appointment.

13. *Filling of vacancies.*—(*1*) If for any reason the services of the Chairman or any other member of a Board or Standing Board cease to be available at any time, the appropriate Government shall appoint another person in accordance with the provisions of section 7 or section 8, as the case may be, to fill the vacancy and the proceedings may be continued before the Board or Standing Board so reconstituted from the stage at which the vacancy occurred.

(*2*) If for any reason the services of the Chairman or any other member of a Commission, Tribunal or the Appellate Tribunal cease to be available, the appropriate Government or, as the case may be, the Central Government shall, in the case of a Chairman, and may, in the case of any other member, appoint another person in accordance with the provisions of section 9 or section 11 or section 12, as the case may be, to fill the vacancy and the proceedings may be continued before the Commission, Tribunal or Appellate Tribunal so reconstituted from the stage at which the vacancy occurred.

* * * * * *

(*3*) If for any reason the services of the presiding officer of any Labour Court cease to be available, the appropriate Government may appoint another person in accordance with the provisions of section 10 to fill the vacancy and the proceedings may be continued before the person so appointed from the stage at which the vacancy occurred.

14. *Finality of orders constituting Board, Commission, etc.*—No order of the appropriate Government appointing any person as a Chairman or a member of a Board, Standing Board, Commission, Labour Court or Tribunal or of the Central Government appointing any person as a Chairman or other member of the Appellate Tribunal shall be called in question in any manner.

CHAPTER III

Standing Orders and Registering Officers

15. *Scope of application of standing orders.*—The provisions of this Chapter shall apply to every establishment in which not less than one hundred persons are employed on any day in any work which is ordinarily part of the trade,

business, manufacture or industry of the establishment and may be applied by the appropriate Government, by notification in the Official Gazette, to any other establishment or class of establishments in which less than one hundred persons are so employed, and shall, on the commencement of this Act, * apply to all establishments in which not less than one hundred persons were so employed on any day in the twelve months preceding the date of such commencement.

16. *Submission of draft of standing orders.*—(*1*) Within six months from the date on which this Chapter becomes applicable to any establishment, the employer of such establishment shall submit to the Registering Officer concerned five copies of the draft of the standing orders proposed by him for adoption in his establishment.

(*2*) Such draft shall provide for all matters specified in the First Schedule in so far as they are applicable to that establishment, and where model standing orders have been prescribed, such draft shall, as far as may be, conform to such model.

(*3*) The draft standing orders submitted under sub-section (*1*) shall be accompanied by a statement giving the prescribed particulars of the employees employed in the establishment.

(*4*) Subject to such conditions as may be prescribed, a group of employers in similar establishments may submit a joint draft of standing orders under this section.

(*5*) Notwithstanding anything contained in sub-section (*1*), where standing orders are in force in any establishment on the date on which this Chapter becomes applicable to that establishment, and such standing orders are not in conformity with the provisions of this Act, the employer shall, within the period referred to in sub-section (*1*), apply to have the standing orders amended to bring them in conformity with the provisions of this Act and such application shall be accompanied by five copies of the standing orders together with the amendments proposed to be made, and the provisions of this Chapter shall apply in relation to an application under this sub-section as they apply in relation to draft standing orders submitted under sub-section (*1*).

17. *Conditions for registration of standing orders.*—Standing orders in respect of any establishment shall be registrable under this Act if—

(*a*) provision is made therein for every matter specified in the First Schedule which is applicable to that establishment, and

(*b*) the standing orders are otherwise in conformity with the provisions of this Act.

18. *Registration of standing orders.*—(*1*) On receipt of the draft standing orders under section 16, the Registering Officer shall forward a copy thereof to the employees, in such manner as may be prescribed, together with a notice in the prescribed form requiring the employees to submit objections, if any, within fifteen days from the date of the receipt of such notice.

(*2*) After giving the employer and the employees an opportunity of being heard, the Registering Officer shall, within two months from the date of the receipt of the standing orders, by order in writing, either confirm or amend the draft standing orders; and the draft standing orders as confirmed or amended shall be registered.

(3) The Registering Officer shall, within seven days from the date of registration under sub-section (2), send copies of the registered standing orders authenticated in the prescribed manner to the employer and the employees.

19. *Appeal.*—(1) Any person aggrieved by an order of the Registering Officer under sub-section (2) of section 18 may, within twenty-one days from the date on which the authenticated copies are sent under sub-section (3) of that section, prefer an appeal to a Tribunal designated for the purpose and the Tribunal shall, after giving the parties an opportunity of being heard, by order in writing, either confirm or amend the registered standing orders.

(2) The Tribunal shall, within seven days of the order passed under sub-section (1), send a copy of such order authenticated in the prescribed manner to the employer, the employees and the Registering Officer concerned; and the standing orders registered under this Act shall be modified accordingly.

20. *Commencement of operation of standing orders.*—(1) Standing orders registered under this Act shall, unless an appeal is preferred under section 19, come into operation on the expiry of thirty days from the date on which authenticated copies thereof are sent under sub-section (3) of section 18, or where an appeal as aforesaid is preferred, on the expiry of thirty days from the date on which copies of the order of the Tribunal are sent under sub-section (2) of section 19.

(2) Where standing orders are in force in any establishment on the date on which this Chapter becomes applicable to that establishment, such standing orders shall continue to be in force in that establishment until they are modified and registered in accordance with the provisions of this Act.

(3) Where model standing orders have been prescribed by the appropriate Government in respect of any establishment or class of establishments in which there are no standing orders in force, such model standing orders shall be deemed to be in operation in that establishment or class of establishments until they are amended in the manner provided in section 21.

21. *Special provision relating to model standing orders.*—(1) Where model standing orders have been prescribed by the appropriate Government in respect of any establishment or class of establishments and an employer proposes to adopt in his establishment such model standing orders without any amendment, he may, in lieu of submitting draft standing orders under section 16, post, within the period referred to in sub-section (1) of the said section, a copy of the model standing orders in the manner provided for in section 23 with a certificate that he has adopted them without amendment, and send a report to the Registering Officer, and the model standing orders shall be registered accordingly.

(2) Where an employer proposes to amend model standing orders before adopting them, he may, either submit draft standing orders under section 16 or apply to have the model standing orders amended, and the application shall be accompanied by five copies of the amendments proposed to be made and the provisions of this Chapter shall apply in relation to such application as they apply to draft standing orders submitted under section 16.

(3) Any person aggrieved by the adoption of the model standing orders under sub-section (1) may, within twenty-one days from the date on which they are posted under section 23, prefer an appeal to a Tribunal as provided in section 19.

22. *Register of standing orders.*—The Registering Officer shall maintain a register in the prescribed form for filing copies of the standing orders registered under this Act.

23. *Posting of standing orders.*—The text of the standing orders registered under this Act shall be prominently posted by the employer in English or Hindi and in a language understood by the majority of his employees on special notice boards to be maintained for the purpose at or near the entrance through which the majority of the employees enter the establishment and in all departments thereof. * * *

24. *Amendment of standing orders.*—(*1*) Standing orders registered under this Act shall not be amended until the expiry of one year from the date on which the said standing orders or the latest amendments thereof came into operation :

Provided that such amendment may be made at any time by agreement between the employer and the employees.

(*2*) Subject to the provisions of sub-section (*1*), an employer or employee may apply to the Registering Officer to have the standing orders amended and such application shall be accompanied by five copies of the standing orders together with the amendments proposed to be made, and where such amendments are proposed to be made by agreement between the employer and the employees, a certified copy of that agreement shall be filed along with the application.

(*3*) The provisions of this Chapter shall, as far as may be, apply in relation to an application under sub-section (*2*) as they apply in relation to the draft standing orders submitted under section 16.

25. *Exclusion of evidence of oral agreement.*—No evidence of any oral agreement or statement shall be admitted by any authority under this Act for the purposes of contradicting, varying, adding to, or substracting from, the terms of the standing orders registered under this Act.

26. *Power to exempt.*—The appropriate Government may, by notification in the Official Gazette, exempt, subject to such conditions, if any, as may be specified in the notification, any establishment or class of establishments from the operation of all or any of the provisions of this Chapter.

CHAPTER IV

Statement of Disputes by Negotiation and Conciliation Officers.

27. *Notice of labour disputes.*—(*1*) Where for any reason a labour dispute has arisen or is likely to arise between an employer and an employee, the employee or, as the case may be, the employer may send a notice, in the prescribed manner, to the other party setting out the nature of the dispute and the * demands that the other party is required to accept and requiring the other party to enter into negotiations, within seven days of the date of the receipt of the notice, with a view to the settlement of the labour dispute :

Provided that where an employer proposes to alter the conditions of service of any employee in respect of any of the matters specified in the Third Schedule, such notice shall be sent.

(2) Copies of the notice under sub-section (1) shall be sent by registered post to the appropriate Government, the Chief Conciliation Officer and the Conciliation Officer having jurisdiction over the dispute.

28. *Commencement of negotiations.*—Within seven days of the date of the receipt of the notice under section 27, the employer or, as the case may be, the employee shall—* * *

(a) furnish to the other party a written statement specifying the demands which are acceptable to him and the demands which are not so acceptable with the reasons for such non-acceptance and

(b) enter into negotiations with the other party in the prescribed manner with a view to settle the labour dispute.

29. *Period within which negotiations to be concluded.*—All negotiations commenced under section 28 shall be concluded * * within fourteen days * * * of the date of commencement of such negotiations :

Provided that such period may be extended by agreement between the parties.

30. *Proceedings before Conciliation Officer.*—(1) On receipt of a notice under section 27, the Conciliation Officer shall, in the case of a dispute concerning public utility service, and may, in any other case, hold conciliation proceedings in the prescribed manner.

(2) The Conciliation Officer shall, without delay, investigate the dispute and all matters affecting the merits and the right settlement thereof and may do all such things as he thinks fit for the purpose of inducing the parties to come to an amicable settlement of the dispute.

(3) The Conciliation Officer shall, after concluding his investigation, submit his report as early as possible and in any case within thirty days of the receipt of the notice under section 27 or such longer time as may be agreed upon by both the parties.

31. *Registration of settlement.*—Where a settlement of the dispute or of any of the matters in dispute is arrived at in the course of negotiations under section 29 or conciliation proceedings under section 30, the party which served the notice under section 27 or, where conciliation proceedings have been held, the Conciliation Officer shall, within seven days of the conclusion of negotiations, send a report thereof together with a memorandum of the settlement signed by the parties to the dispute to the Chief Conciliation Officer and the appropriate Government ; and the Chief Conciliation Officer shall register the settlement in such manner as may be prescribed.

32. *Report of failure of conciliation.*—Where conciliation proceedings have been held but no settlement is arrived at, the Conciliation Officer shall submit to the Chief Conciliation Officer and the appropriate Government, as soon as

practicable after the close of the conciliation proceedings and in any case, within the period referred to in sub-section (3) of section 30, a full report setting forth the steps taken by him for bringing about a settlement of the labour dispute together with a full statement of such facts and circumstances and the reasons on account of which, in his opinion, a settlement could not be arrived at, and copies of the report shall be simultaneously sent to the parties to the dispute.

CHAPTER V

Collective Bargaining and Conciliation Officers

33. *Scope of collective bargaining.*—(*1*) The appropriate Government may, by notification in the Official Gazette, declare any establishment or class of establishments in any local area to be appropriate for collective bargaining.

(*2*) Where in respect of any establishment or class of establishments declared under sub-section (*1*) to be appropriate for collective bargaining, a bargaining agent has been certified under this Act, the provisions of this Chapter shall, and the provisions of Chapter IV shall not, apply in relation to that establishment or class of establishments.

34. *Application for certification as bargaining agent.*—(*1*) For the purpose of being certified as a bargaining agent in respect of any establishment or class of establishments in any local area, an application may, in the prescribed manner, be made to a Labour Court by—

(*a*) a representative trade union, or

(*b*) the representatives of employees of that establishment or class of establishments in that area elected in the prescribed manner.

(*2*) A representative trade union, in relation to all the employees employed in any class of establishments in any local area, means a registered trade union having a membership in good standing of not less than—

(*a*) twenty-five per cent of the total number of employees employed in that class of establishments in that area; and

(*b*) seven and half per cent of the total number of employees employed in each of not less than seventy-five per cent of the establishments included in that class.

(*3*) A representative trade union, in relation to any particular class or classes of skilled or other distinctive type of employees, means a registered trade union which consists wholly of such employees and which has a membership in good standing—

(*a*) in cases where the trade union is to represent a class of establishments in any local area, of not less than—

(*i*) fifty per cent of the total number of such employees employed in that class of establishments in that area; and

(*ii*) fifteen per cent of the total number of such employees employed in each of not less than seventy-five per cent of the establishments included in that class; and

(*b*) in cases where the trade union is to represent a particular establishment only, of not less than fifty per cent of the total number of such employees employed in that establishment.

(4) A representative trade union, in relation to all the employees employed in any particular establishment, means a registered trade union having a membership in good standing of not less than fifty per cent of the total number of employees in that establishment.

Explanation.—For the purposes of this section, a membership of a trade union shall be deemed to be in good standing if the member is not in arrears of his subscription for any period exceeding three calendar months.

35. *Certification by Court.*—(1) A Labour Court may, on application received in this behalf, certify a representative trade union as—

(a) a general bargaining agent, if it is a representative trade union within the meaning of sub-section (2) of section 34;

(b) a special bargaining agent, if it is a representative trade union within the meaning of sub-section (3) of section 34;

(c) a local bargaining agent, if it is a representative trade union within the meaning of sub-section (4) of section 34;

(2) Where there is no such representative trade union, the elected representatives of the employees may be certified as a general, special or local bargaining agent in relation to all the employees or any particular class of employees employed in any establishment or class of establishments according as such representatives are elected by all the employees or the particular class of employees employed in that establishment or class of establishments.

(3) For the purpose of certifying a bargaining agent, a Labour Court may take such evidence and make such inquiries and examine such records as it deems necessary and it shall consider if the following conditions have been complied with, namely:—

(a) that there shall not, at any time, be more than one general bargaining agent, in respect of the same class of establishments situated within the same local area;

(b) that there shall not, at any time, be more than one special bargaining agent, in respect of the same class of employees in any establishment or class of establishments in the same local area:

Provided that where there is a special bargaining agent in respect of a class of establishments, no special bargaining agent in respect of any particular establishment included in that class shall be certified;

(c) that there shall not, at any time, be more than one local bargaining agent, in respect of the same establishment;

(d) that the trade union applying for certification fulfils the conditions laid down in section 34;

(e) that where more than one registered trade union fulfils such conditions, the trade union having the largest membership in good standing shall have preference to others:

Provided that a trade union applying for being certified as a special bargaining agent in respect of a class of establishments shall have preference to any trade union applying for being certified as a special bargaining agent in respect of any particular establishment included in that class.

36. *Effect of certification.*—(*1*) Where there is a certified general bargaining agent only (there being no special or local bargaining agent) in respect of any establishment or class of establishments or a certified local bargaining agent only (there being no general or special bargaining agent) in respect of any establishment, such certified bargaining agent shall immediately replace all other agents of the employees to enter into negotiations with the employer and, so long as the certification is not revoked, shall have authority to bargain collectively on behalf of all the employees in that establishment or class of establishments, as the case may be, and to bind them by a collective agreement:

Provided that where in addition to a general bargaining agent a local bargaining agent is certified in respect of any establishment, the local bargaining agent shall have authority to enter into negotiations with the employer and bargain collectively on behalf of all the employees employed in that establishment in respect of any matter which is of exclusive concern to the employees of that establishment:

Provided further that where a special bargaining agent is certified in respect of any establishment or class of establishments (whether or not there is a general or local bargaining agent), the special bargaining agent shall have authority to enter into negotiations with the employer and bargain collectively on behalf of the particular class or classes of employees it represents in respect of any matter which is of exclusive concern to such class or classes of employees employed in that establishment or class of establishments.

(*2*) Where any bargaining agent has been certified in relation to the employees or any class of employees in any establishment or class of establishments and another bargaining agent had previously been certified in relation to the same employees or class of employees, the previous certification shall be deemed to have been revoked in respect of such employees or class of employees:

Provided that where a special bargaining agent in respect of a class of establishments is certified and a special bargaining agent in respect of a particular establishment included in that class had been previously certified, the previous certification of the special bargaining agent in respect of that particular establishment shall be deemed to have been revoked.

(*3*) Where, at the time of certification of a bargaining agent, a collective agreement is in force, the new bargaining agent shall be substituted as a party to the agreement.

(*4*) If any dispute arises under this section in respect of the jurisdiction of a general bargaining agent, special bargaining agent or local bargaining agent, any party to the dispute may apply to a Labour Court for adjudication of such dispute and the order of the Labour Court shall, subject to the provision for appeal, be final and binding on the parties.

37. *Revocation of certification.*—The Labour Court may revoke the certification of a bargaining agent—

(*a*) where the Court is satisfied that the certified bargaining agent has, for not less than three consecutive months, ceased to fulfil the conditions which entitled such bargaining agent to be certified; or

(*b*) where the certified bargaining agent refuses or fails to give effect to any term of collective agreement; or

(*c*) where the certified bargaining agent resorts to any unfair practice under the Trade Unions Act, 1950.

38. *Subsequent application for certification as bargaining agent.*—Where there is a certified bargaining agent in relation to the employees of any establishment or class of establishments, no fresh application for certification as bargaining agent for the same employees to replace the former bargaining agent shall be entertained by the Labour Court—

(*a*) in cases where there is no collective agreement in force, until the expiry of one year from the date of certification of the former bargaining agent; or

(*b*) in cases where there is a collective agreement in force, until the expiry of ten months from the date of the conclusion of that agreement: Provided that such application may be made before the expiry of the aforesaid periods with the previous permission of the Labour Court.

39. *Notice to negotiate.*—(*1*) The certified bargaining agent on behalf of the employees or, as the case may be, the employer may send a notice, in the prescribed manner, to the other party setting out the * demands that the other party is required to accept and requiring the other party to commence collective bargaining within seven days of the date of the receipt of the notice, with a view to the conclusion of a collective agreement:

Provided that where an employer proposed to alter the conditions of service of an employee in respect of any of the matters specified in the Third Schedule, such notice shall be sent:

Provided further that where a collective agreement is in force between the employer and the employees of any establishment or class of establishments, such notice shall not be sent, in respect of any matter covered by that agreement, before the period of two months next preceding the date of the expiry of the term of, or preceding the termination of, the agreement, with a view to the renewal or revision of the agreement or conclusion of a new collective agreement.

(*2*) Copies of the notice under sub-section (*1*) shall be sent by registered post to the appropriate Government, the Chief Conciliation Officer and the Conciliation Officer having jurisdiction over such establishment or class of establishments.

40. *Commencement of collective bargaining.*—Within seven days of the date of the receipt of notice under section 39 or such further time as may be agreed upon between the parties, the employer, or, as the case may be, the certified bargaining agent shall—

(*a*) furnish to the other party a written statement specifying the demands which are acceptable to him and the demands which are not so acceptable with reasons for such non-acceptance; and

(*b*) enter into collective bargaining with the other party in the prescribed manner with a view to the conclusion of a collective agreement.

41. *Period within which collective bargaining is to be concluded.*—Any collective bargaining commenced under section 40 shall be concluded within fourteen days of the date of such commencement:

Provided that such period may be extended by agreement between the parties.

42. *Provision for final settlement without stoppage of work.*—(*1*) Every collective agreement shall contain a provision for final settlement, without stoppage of work, by adjudication or otherwise, of all differences between the persons bound by the agreement and arising out of the interpretation of, or breach of, the terms of the agreement.

(*2*) Where a collective agreement does not contain a provision as required by sub-section (*1*), the Labour Court shall, on an application of either party to the agreement, by order, prescribe a provision for such purpose and the provision so prescribed shall be deemed to be a term of the collective agreement and binding on all persons bound by that agreement.

43. *Special provision relating to persons on whom collective agreement is binding.*—A collective agreement between an employer and a certified bargaining agent shall be binding upon—

(*a*) that employer, and

(*b*) that bargaining agent and all the employees * * * in relation to whom the bargaining agent has been certified.

44. *Proceedings before Conciliation Officer.*—(*1*) On receipt of a notice under section 39, the Conciliation Officer shall, in the case of a public utility service, and may, in any other case, hold conciliation proceedings in the prescribed manner.

(*2*) The Conciliation Officer shall, without delay, investigate the dispute and all matters affecting the merits and the right settlement thereof and may do all such things as he thinks fit for the purpose of assisting the parties engaged in the collective bargaining to conclude a collective agreement.

(*3*) The Conciliation Officer shall, after concluding his investigation, submit his report as early as possible and in any case, within thirty days of the receipt of the notice under section 39 or such longer time as may be agreed upon by both the parties.

45. *Registration of collective agreements.*—Where a collective agreement has been concluded, the party which served the notice under section 39 or, where conciliation proceedings have been held, the Conciliation Officer shall, within seven days of the conclusion of collective bargaining, send a copy of the collective agreement signed by both the parties to the Chief Conciliation Officer and the appropriate Government; and the Chief Conciliation Officer shall register the collective agreement in such manner as may be prescribed.

46. *Report of failure of conciliation.*—Where conciliation proceedings have been held but no collective agreement is concluded, the Conciliation Officer shall submit to the Chief Conciliation Officer and the appropriate Government, as soon as practicable and in any case, within the period referred to in sub-section (*3*) of section 44, a full report setting forth the steps taken by him for bringing about an agreement between the parties together with a full statement of such facts and circumstances and the reasons on account of which, in his opinion, the agreement could not be concluded, and copies of the report shall be simultaneously sent to the parties to the dispute.

CHAPTER VI

References of Disputes and other matters to Boards, Tribunals and Commissions by Appropriate Government

47. *Reference of disputes to Boards or Tribunals.*—(1) Where the appropriate Government is of opinion that any labour dispute exists or is apprehended, it may at any time, by order in writing, refer the dispute or any matter appearing to it to be connected with, or relevant to, such dispute—

(a) to a Board for promoting the settlement thereof; or

(b) to a Tribunal for adjudication:

Provided that where a Conciliation Officer has taken any steps to promote the settlement of a dispute, no reference shall be made to a Board of that dispute except with the consent of all the parties thereto:

Provided further that where Labour Courts have been constituted under section 10, no reference shall be made to a Tribunal unless the dispute relates to any matter specified in the Second Schedule:

Provided also that where the dispute relates to a public utility service and a notice of strike under section 104 has been given, the appropriate Government shall, unless for reasons to be recorded, it considers that the notice has been frivolously or vexatiously given or that it is inexpedient so to do, refer the dispute or announce its intention to refer the dispute under this sub-section before the date of strike specified in the said notice.

(2) Where the parties to a labour dispute apply, in the prescribed manner for a reference of the dispute to a Board or Tribunal, the appropriate Government shall, if it is of opinion that the persons applying represent the majority of each party, refer the dispute accordingly.

Explanation.—For the purposes of this sub-section, a certified bargaining agent * * * shall be deemed to represent the majority of the employees for whom it has been so certified.

48. *Specification of points of dispute in certain cases.*—Where any dispute is refered under section 47 to a Tribunal for adjudication, the appropriate Government may specify the points of dispute between the parties, and in such a case, the Tribunal shall not adjudicate upon any matter not comprised in the points so specified.

49. *Inclusion of other establishments in a reference to a Tribunal.*—Where a dispute concerning any establishment or establishments is referred to a Tribunal under section 47 and the appropriate Government is of opinion either of its own motion or on an application received in this behalf, that the dispute is of such a nature that any other establishment, group or class of establishments of a similar nature is likely to be interested in, or affected by, such dispute, the appropriate Government may, at the time of making the reference or at any time thereafter, but before the pronouncement of the award by order in writing, include in that reference such establishment, group or class of establishments, whether or not at the time of such inclusion, any dispute exists or is apprehended, in that establishment, group or class of establishments.

50. *Reference to Commission.*—(*1*) The appropriate Government may, by order in writing, refer any matter to the Commission for inquiry whether or not such matter is connected with, or relevant to, a labour dispute.

(*2*) Where the employer and the employees of any establishment or class of establishments apply in the prescribed manner, for the reference of any matter to a Commission, the appropriate Government shall, if it is of opinion that the persons applying represent the majority of each party, refer the matter accordingly.

Explanation.—For the purposes of this sub-section, a certified bargaining agent * * * shall be deemed to represent the majority of the employees for whom it has been so certified.

51. *Power to refer additional disputes or matters.*—Where any dispute or matter is pending before a Board, Commission or Tribunal, the appropriate Government may, by order in writing, refer any other labour dispute or matter that may arise between the same parties to the same Board, Commission or Tribunal for settlement, inquiry or adjudication as the case may be.

52. *Power to * * transfer cases.*—The appropriate Government may, by order in writing and for reasons to be stated therein, at any stage * * * transfer any case pending before a Labour Court or Tribunal to another Labour Court or Tribunal for adjudication or for the hearing of the appeal, as the case may be, and the Court or Tribunal to which the case is so transferred may, subject to any special directions in the order of transfer, proceed either *de novo* or from the stage at which it was transferred.

CHAPTER VII

Commissions of Inquiry and Conciliation Boards

53. *Duties of Commission of Inquiry.*—A Commission of Inquiry shall inquire into the matters referred to it and report thereon to the appropriate Government within a period of six months from the date on which the reference was made to it:

Provided that the appropriate Government may extend or reduce such period. * * * * *

54. *Duties of Boards of Conciliation.*—(*1*) Where a dispute has been referred to a Board under this Act, it shall be the duty of the Board to endeavour to bring about a settlement of the same and for this purpose the Board shall, in such manner as it thinks fit and without delay, investigate the dispute and all matters affecting the merits and the right settlement thereof and may do all such things as it thinks fit for the purpose of inducing the parties to come to an amicable settlement of the dispute.

(*2*) Where a settlement of the dispute or of any of the matters in dispute is arrived at in the course of conciliation proceedings, the Board shall send a report thereof to the appropriate Government together with a memorandum of the settlement signed by the parties to the dispute and the settlement shall be registered in such manner as may be prescribed.

(3) Where no such settlement is arrived at, the Board shall, as soon as practicable after the close of the investigation, send to the appropriate Government a full report setting forth the steps taken by it for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof, together with a full statement of such facts and circumstances and the reasons on account of which, in its opinion, a settlement could not be arrived at and its recommendations for the determination of the dispute.

(4) Where the dispute concerns a public utility service, the appropriate Government may, on receipt of the report under sub-section (3), refer that dispute to a Tribunal for adjudication if such dispute may be so referred under section 47, and where no such reference is made, the appropriate Government shall record its reasons therefor and communicate them to the parties concerned.

(5) The Board shall submit its report under this section within one month of the date on which the reference was made to it and simultaneously forward copies thereof to the parties concerned:

Provided that the time for submission of the report may be extended by the appropriate Government from time to time by any period not exceeding two months in the aggregate:

Provided further that such time may be extended by such periods as may be agreed upon in writing by all the parties to the dispute.

STANDING CONCILIATION BOARDS

55. *Jurisdiction of Standing Conciliation Boards.*—A Standing Conciliation Board shall have jurisdiction for promoting the settlement of all labour disputes arising in such area or in such class of establishments as may be specified in this behalf by the appropriate Government by notification in the Official Gazette.

56. *Application for settlement of labour disputes.*—An application for the settlement of a labour dispute may be made to the Standing Board by any party to the dispute in such form and in such manner as may be prescribed.

57. *Duties of Standing Conciliation Boards.*—(1) On receipt of an application under section 56, it shall be the duty of the Standing Board to endeavour to bring about a settlement of the dispute and for this purpose the Standing Board shall, in such manner as it thinks fit and without delay, investigate the dispute and all matters affecting the merits and the right settlement thereof and may do all such things as it thinks fit for the purpose of inducing the parties to come to an amicable settlement of the dispute.

(2) Where a settlement of the dispute or of any of the matters in dispute is arrived at in the course of conciliation proceedings, the Standing Board shall send a report thereof to the appropriate Government and the Chief Conciliation Officer together with a memorandum of the settlement signed by the parties to the dispute and the settlement shall be registered in such manner as may be prescribed.

(3) Where no such settlement is arrived at, the Standing Board shall, as soon as practicable after the close of the investigation, send to the appropriate Government and the Chief Conciliation Officer a full report setting forth the

steps taken by it for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof, together with a full statement of such facts and circumstances on account of which, in its opinion, a settlemnt could not be arrived at, and its recommendations for the determination of the dispute.

(4) Where the dispute concerns a public utility service, the appropriate Government may, on receipt of a report under sub-section (3), refer that dispute to a Tribunal for adjudication if such dispute may be so referred under section 47, and where no such reference is made, the appropriate Government shall record its reasons therefor and communicate them to the parties concerned.

(5) The Standing Board shall submit its report within one month of the date of the receipt of an application under section 56 and simultaneously forward copies thereof to the parties concerned:

Provided that the time for submission of the report may be extended by such periods as may be agreed upon in writing by all the parties to the dispute.

58. *Form of report.*—(1) The report of a Commission or Board or Standing Board shall be in writing and signed by all the members of the Commission, Board or Standing Board, as the case may be:

Provided that such report shall not be invalid merely because it has not been signed by any member of a Board or Standing Board or where the Commission consists of more than one member, by any member thereof.

(2) Nothing in sub-section (1) shall be deemed to prevent a member from recording a minute of dissent from the report or from any recommendation made therein.

59. *Publication of report.*—The report of a Commission, Board or Standing Board, together with any minute of dissent recorded therewith, shall, within a period of one month from the date of its receipt by the appropriate Government, be published in such manner as it thinks fit.

CHAPTER VIII

Labour Courts and Labour Tribunals

Labour Courts

60. *Jurisdiction of Labour Courts.*—A Labour Court shall have jurisdiction to adjudicate upon all labour disputes arising in such area or in such class of establishments as may be specified in this behalf by the appropriate Government by notification in the Official Gazette and for discharging such other functions as may be assigned to them under this Act.

Explanation.—For the purposes of this section "labour dispute" means any labour dispute relating to any matter which is not specified in the Second Schedule. * * *

61. *Application for adjudication of labour disputes.*—(*1*) An application to the Labour Court for adjudication of a labour dispute may be made by any party to that dispute within three months from the date on which notice of such dispute is served under section 27 or section 39, as the case may be.

Explanation.—For the purposes of this sub-section, in computing the period of three months, the time by which the period of negotiation, collective bargaining or conciliation proceeding has been extended by agreement between the parties under section 29 or section 41 or section 54 or section 57, as the case may be, shall be excluded.

(*2*) An application under sub-section (*1*) shall be made in such form and in such manner as may be prescribed.

62. *Proceedings before the Court.*—(*1*) On receipt of an application under section 61, the Labour Court shall, after giving the parties interested in the application an opportunity of being heard, hear the dispute as expeditiously as possible.

(*2*) The Labour Court shall, subject to the rules made under this Act, maintain a record of the proceedings before it including the statements of parties and witnesses and relevant documents.

(*3*) The Labour Court shall, after hearing the dispute, pronounce its order in open court either at once or on some future date to which the case is adjourned for that purpose.

(*4*) The order of the Labour Court shall be in writing and signed by the presiding officer.

(*5*) The order of the Labour Court shall come into operation with effect from such date as may be specified therein, and where no such date is so specified, it shall come into operation on the date of the order.

(*6*) The order of a Labour Court shall be published within fifteen days of its pronouncement in such manner as may be prescribed.

Labour Tribunals

63. *Jurisdiction of Tribunals.*—A Tribunal shall have jurisdiction—

(*a*) to adjudicate upon all labour disputes referred to it under section 47;

(*b*) to hear all appeals under section 19, and where Labour Courts have been constituted under section 10, to hear all appeals from the orders of such courts; and

(*c*) to hear all applications made to it under section 70.

Adjudication by Tribunals

64. *Proceedings before Tribunals.*—(*1*) Where a labour dispute has been referred to a Tribunal for adjudication, it shall, after giving the parties concerned an opportunity of being heard, hold its proceedings as expeditiously as possible.

(2) The Tribunal shall, subject to the rules made under this Act, maintain a record of the proceedings before it including the statements of parties and witnesses and relevant documents.

(3) The Tribunal shall, after hearing the dispute, pronounce its award in open court either at once or on some future date to which the case is adjourned for that purpose.

(4) The award shall be in writing and signed by the members of the Tribunal.

* * * * *

(5) In the event of any difference of opinion among the members of the Tribunal, the opinion of the majority shall prevail, but where there is no such majority, the opinion of the Chairman shall prevail.

(6) The award shall come into operation with effect from such date as may be specified therein, and where no such date is so specified, it shall come into operation on the date on which the award becomes executable under section 66.

65. *Publication of award.*—The award of a Tribunal shall be published within fifteen days of its pronouncement in such manner as may be prescribed.

* * * * *

66. *Award when executable.*—The award shall be executable on the expiry of thirty days from the date of its pronouncement:

Provided that where the appropriate Government is a party to the dispute and is of opinion that it would be inexpedient on public grounds to give effect to the whole or any part of the award, it may, by notification in the Official Gazette, within the said period of thirty days, declare the award or any part thereof not to be so executable, and shall, on the first available opportunity, lay the award, together with a statement of its reasons for making a declaration as aforesaid, before the Legislature of the State or, where the appropriate Government is the Central Government, before Parliament, and shall, as soon as may be, cause to be moved therein a resolution for the consideration of the award; and the Legislature of the State or, as the case may be, Parliament may, by a resolution, confirm, modify or reject the award.

* * * * *

Appellate Proceedings before Tribunals

67. *Presentation of appeal.*—(1) Subject to the provisions of this section any person aggrieved by an order of a Labour Court may, within thirty days from the date of such order, prefer an appeal to the Tribunal authorised to hear appeals from such Court:

Provided that no such appeal shall lie unless the appeal involves any substantial question of law:

Provided further that such appeal against an order of the Labour Court under Chapter V may lie on any question of fact or law:

Provided also that the Tribunal may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) No appeal shall lie from any order of a Labour Court made with the consent of parties.

68. *Stay of the order of the Labour Court by the Tribunal.*—Where an appeal is preferred against an order of a Labour Court, the Tribunal may, after giving the parties an opportunity of being heard, stay, for reasons to be recorded, the execution of that order or any part thereof for such period and on such conditions as it thinks fit:

Provided that no such order for stay of the execution shall be made unless the Tribunal is satisfied—

(*a*) that its decision shall be infructuous or that irreparable loss may result to the party applying for stay of the execution, unless the order for stay is made; or

(*b*) that the execution of the order of the Labour Court may have serious repercussions on the industry concerned or other industries or on the employees employed in such industry or industries.

69. *Determination of appeal.*—(*1*) The Tribunal may, after giving the appellant an opportunity of being heard, dismiss the appeal if, in its judgment, there is no sufficient ground for proceeding with it and in such a case, the Tribunal shall briefly record its reasons for so doing.

(*2*) Where the appeal is not dismissed under sub-section (*1*), the Tribunal shall, after hearing the appeal, pronounce its decision either at once or on some future date to which the appeal is adjourned for that purpose.

(*3*) In the event of any difference of opinion among the members of the Tribunal, the opinion of the majority shall prevail, but where there is no such majority, the opinion of the Chairman shall prevail.

(*4*) The decision of the Tribunal shall be in writing and signed by the members of the Tribunal.

(*5*) The Tribunal may confirm, vary or reverse the order appealed from and may pass such orders as it may deem fit, and where the order is reversed or varied, the decision of the Tribunal shall state the reliefs to which the appellant is entitled.

(*6*) A copy of the decision of the Tribunal shall be sent to the Labour Court concerned.

Proceedings before Tribunals in relation to Applications

70. *Presentation of application.*—An application to a Tribunal authorised in this behalf may be made in the prescribed manner by—

(*i*) an employee for decision, whether or not the employer has contravened the provisions of section 100; * * * * * * * * *;

(*ii*) an employee whose services have been terminated by the employer, for decision whether or not such termination is in accordance with section 88 or section 89;

(*iii*) an employer or employee, for decision of any question that may arise under section 108;

(*iv*) an employer or employee, for decision whether or not an employee, a trade union or a certified bargaining agent has failed to comply with the terms of any settlement or collective agreement or order of a Labour Court or award, as the case may be;

(*v*) any party to the dispute or the appropriate Government, for decision whether or not a strike or lock-out is illegal.

71. *Adjudication of applications.*—On receipt of an application under section 70, the Tribunal shall adjudicate upon the application as if it were a dispute which has been referred to the Tribunal for adjudication by the appropriate Government under section 47 and the provisions of this Act shall apply accordingly.

CHAPTER IX

APPELLATE TRIBUNALS.

72. *Jurisdiction of the Appellate Tribunal.*—(*1*) Subject to the provisions of this section, the Appellate Tribunal shall have jurisdiction to hear appeals from every award if—

(*a*) the appeal involves any substantial question of law, or

(*b*) the award is in respect of any of the following matters, namely:—

(*i*) wages;

(*ii*) bonus or any payment due under any scheme of profit-sharing payable periodically and not forming part of the remuneration payable under the terms of employment;

(*iii*) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the employees under any law for the time being in force;

(*iv*) any sum paid or payable to, or on behalf of, an employee to defray special expenses entailed on him by the nature of his employment;

(*v*) gratuity payable to an employee on the termination of his service;

(*vi*) classification by grades;

(*vii*) any decision on an application under section 70;

(*viii*) retrenchment resulting from any scheme of rationalisation, standardisation or improvement of plant or technique;

(*ix*) any other matter which may be prescribed.

(*2*) No appeal shall lie from an award made with the consent of parties.

(*3*) No appeal shall lie from any decision of a Tribunal passed in appeal under section 69:

Provided that the Appellate Tribunal may send for the records of any case and may, if it so thinks fit, after hearing the parties and the appropriate Government, pass such orders as it deems proper.

73. *Seat of the Appellate Tribunal.*—The Appellate Tribunal shall have its principal seat at such place as the Central Government may, by notification in the Official Gazette, appoint.

74. *Constitution of Benches of the Appellate Tribunal.*—(*1*) The Chairman may constitute as many Benches as may be deemed necessary and the powers and functions of the Appellate Tribunal may be exercised and discharged by the Benches so constituted.

(*2*) A Bench shall consist of not less than two members of the Appellate Tribunal, of whom one may be appointed the President of the Bench:

Provided that where any appeal involves any labour dispute affecting any banking or insurance company, the Bench shall include a person having special knowledge of, and experience in, banking or insurance, as the case may be:

Provided further that for hearing an application for stay of award under section 77, the Bench may consist of one member only.

(*3*) A Bench shall sit at such place or places as may be specified by the Chairman by notification in the Official Gazette:

Provided that the Bench may, if it is satisfied that it will tend to the general convenience of the parties or witnesses in any particular case, sit at any other place.

(*4*) A Bench may act notwithstanding the absence of any member or any vacancy therein.

(*5*) The Chairman may, from time to time, allot any case or any specified class of cases to any Bench and may also, from time to time, transfer any case or any specified class of cases from one Bench to another.

75. *Presentation of appeal.*—Any person aggrieved by an award may, within thirty days from the date of such award, prefer an appeal to the Appellate Tribunal:

Provided that the Appellate Tribunal may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

76. *Form of appeal.*—An appeal to the Appellate Tribunal shall be presented in the form of a memorandum setting forth, concisely and under distinct heads, the grounds of objection to the award appealed from.

77. *Stay of award by the Appellate Tribunal.*—Where an appeal is preferred, the Appellate Tribunal may, after giving the parties an opportunity of being heard, stay, for reasons to be recorded, the execution of the award or any part thereof for such period and on such conditions as it thinks fit:

Provided that no such order for stay of the execution shall be made unless the Appellate Tribunal is satisfied—

(*a*) that its decision shall be infructuous or that irreparable loss may result to the party applying for stay of the execution, unless the order for stay is made; or

(*b*) that the execution of the award may have serious repercussions on the industry concerned or other industries or on the employees employed in such industry or industries.

78. *Proceedings before the Appellate Tribunal.*—* * * * (*1*) The Appellate Tribunal may, after giving the appellant an opportunity of being heard, dismiss the appeal if, in its judgment, there is no sufficient ground for proceeding with it and in such a case, the Appellate Tribunal shall briefly record its reasons for so doing.

(*2*) The Appellate Tribunal shall, after hearing the appeal, pronounce its decision either at once or at some future date to which the appeal is adjourned for that purpose.

(*3*) The decision shall be in writing and signed by the members of the Appellate Tribunal hearing the appeal.

(*4*) The Appellate Tribunal may confirm, vary or reverse the award appealed from, and may pass such orders as it may deem fit, and where the award is reversed or varied the decision of the Appellate Tribunal shall state the reliefs to which the appellant is entitled.

(*5*) In the event of any difference of opinion among the members of a Bench, the opinion of the majority shall prevail, but where there is no such majority, the President of the Bench shall refer to the Chairman of the Appellate Tribunal either the whole appeal or the particular point or points on which there has been difference of opinion among the members of the Bench and on such reference, the Chairman shall either hear the matter himself or transfer it to any other member and the decision thereon of the Chairman or the other member, as the case may be, shall prevail.

(*6*) The Bench hearing an appeal may refer any question of law to the Chairman of the Appellate Tribunal with a recommendation to constitute a full Bench to decide the question.

(*7*) The Chairman of the Appellate Tribunal may, in such cases as he deems fit, and shall, on a reference received under sub-section (*6*), constitute a full Bench of three or five members of the Appellate Tribunal either to hear an appeal or to give an opinion on a point of law referred under sub-section (*6*), and the opinion of the full Bench on a point of law referred to it shall be binding on the Bench which made the reference.

(*8*) The Appellate shall send a copy of the decision to the Tribunal concerned and to the appropriate Government, as soon as practicable, within one week from the date of the decision.

79. *Decision when executable.*—The decision of the Appellate Tribunal shall be executable on the expiry of thirty days from the date of its pronouncement :

Provided that where the appropriate Government is a party to the dispute and is of opinion that it would be inexpedient on public grounds to give effect to the whole or any part of the decision, it may, by notification in the Official Gazette, within the said period of thirty days, declare the decision or any part thereof not to be so executable, and shall, on the first available opportunity, lay the decision, together with a statement of its reasons for making a declaration as aforesaid, before the Legislature of the State or, where the appropriate Government is the Central Government, before Parliament, and shall, as soon as may be, cause to be moved therein a resolution for the consideration of the decision ; and the Legislature of the State or, as the case may be, Parliament may, by a resolution, confirm, modify or reject the decision.

80. *Appellate Tribunal to exercise superintendence over Labour Courts and Tribunals.*—(*1*) The Appellate Tribunal shall exercise superintendence over all Labour Courts and Tribunals * and may—

(*a*) call for returns ;

(*b*) make and issue general rules and prescribe forms for regulating the practice and procedure of such Courts and Tribunals in matters not expressly provided for by or under this Act and, in particular, for securing the expeditious disposal of cases ;

(*c*) prescribe forms in which books, entries and accounts shall be kept by the officers of such Courts and Tribunals ;

(*d*) settle a table of fees payable for processes issued by a Labour Court or Tribunal.

(*2*) Nothing in sub-section (*1*) shall be construed as giving to the Appellate Tribunal any jurisdiction to question any order of a Labour Court or any award which is not otherwise subject to appeal or revision.

81. *Powers of the Appellate Tribunal in relation to contempts.*—(*1*) If any person—

(*a*) when ordered by a Labour Court or Tribunal or the Appellate Tribunal to produce or deliver up any document being legally bound intentionally omits to do so, or

(*b*) when required by a Labour Court, Tribunal or the Appellate Tribunal to bind himself by an oath or affirmation to state the truth, refuses to do so, or

(*c*) being legally bound to state the truth on any subject to a Labour Court, Tribunal or the Appellate Tribunal, refuses to answer any question put to him touching such subject by such Court, Tribunal or the Appellate Tribunal, or

(*d*) refuses to sign any statement made by him when required to do so by a Labour Court, Tribunal or the Appellate Tribunal, or

(*e*) intentionally offers any insult or causes any interruption to a Labour Court, Tribunal, or Appellate Tribunal at any stage of its judicial proceeding,

he shall be deemed to be guilty of contempt of such Court, Tribunal or the Appellate Tribunal, as the case may be.

(2) If any person commits any act or publishes any writing, which is calculated to improperly influence a Labour Court, Tribunal or the Appellate Tribunal or to bring such Court, Tribunal, or the Appellate Tribunal or the presiding officer of a Labour Court or a member of a Tribunal or the Appellate Tribunal into disrepute or contempt, or to lower its or his authority or to interfere with the lawful process of any such Court, Tribunal or the Appellate Tribunal, such person shall be deemed to be guilty of contempt of such court, Tribunal or the Appellate Tribunal, as the case may be.

(3) The Appellate Tribunal shall have and exercise the same jurisdiction, power and authority, in accordance with the same procedure and practice, in respect of contempts of itself and all the Labour Courts and Tribunals as the High Courts have and exercise in respect of themselves and courts subordinate to them under the Contempt of Courts Act, 1926 (XII of 1926).

CHAPTER X

Dismissal and Retrenchment

82. *Definition.*—For the purposes of this Chapter, "appropriate Government" means the Central Government in relation to such producers of iron and steel as may be notified in this behalf by the Central Government in the Official Gazette.

83. *Procedure for dismissal of an employee.*—No employee who has been in continuous employment under an employer for not less than six months shall be dismissed from service by that employer for any misconduct until such employee has been given, in the prescribed manner, reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

84. *Special provision for adjudication of disputes arising out of dismissal.*—Where a labour dispute arising out of the dismissal of an employee from service is referred to a Tribunal for adjudication, the Tribunal shall determine whether the employee has been dismissed for proper and sufficient cause and in accordance with the provisions of this Act, and where it comes to a decision that an employee has been wrongfully dismissed from service by an employer, the Tribunal may, notwithstanding anything contained in any other law, direct either reinstatement of that employee or, in lieu of such reinstatement, payment of such compensation to that employee as it may deem fit:

Provided that where such wrongful dismissal is found to be due to any legitimate trade union activity on the part of the employee, the Tribunal shall direct reinstatement of that employee:

Provided further that where an employee is wrongfully dismissed by any banking company, the Tribunal shall not direct reinstatement of that employee except with the consent of the employer.

85. *Application for reference of retrenchment cases to Tribunals.*—(1) An employer shall, where he proposes to introduce in his establishment any scheme of rationalisation, standardisation or improvement of plant or technique which is likely to lead to retrenchment of some employees employed in that establishment, and may, in any other case of retrenchment, apply, in the prescribed

manner, to the appropriate Government for a reference of the matter relating to retrenchment to a Tribunal.

(2) An application under sub-section (1) shall furnish full details of the scheme, if any, and shall, as far as practicable, specify—

(a) the number of employees likely to be retrenched;

(b) the classes of employees from which such retrenchment is to be made;

(c) the reasons for retrenchment of employees;

(d) the date on which such retrenchment is likely to be made; and

(e) any other particulars which may be prescribed.

(3) Where any retrenchment of employees is likely to be made on account of the introduction of any scheme referred to in sub-section (1), an employee may also apply to the appropriate Government for a reference of the matter relating to retrenchment to a Tribunal.

(4) No application for reference of any matter relating to retrenchment of employees, whether by an employer or an employee, shall be made except under this section.

86. *Reference of retrenchment cases to Tribunals.*—On receipt of an application under section 85, the appropriate Government may, within thirty days from the date of the receipt of such application, refer the matter relating to retrenchment, or announce its intention to refer that matter, to a Tribunal for adjudication.

87. *Adjudication of retrenchment cases by Tribunals.*—Where any matter relating to retrenchment of employees is referred to a Tribunal, the Tribunal shall take into consideration all the circumstances of the case and determine the number of employees to be retrenched and the class or classes of employees from which such retrenchment is to be made and make such award as it thinks fit as if the reference had been made under section 47 and the provisions of this Act shall apply accordingly:

Provided that nothing in this section shall be construed as giving to the Tribunal any jurisdiction to question the desirability or necessity of any scheme of rationalisation, standardisation or improvement of plant or technique.

88. *Conditions precedent to retrenchment of employees.*—No employee who has been in continuous employment for not less than one year under an employer shall be retrenched by that employer until—

(a) the employee has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the employee has been paid, in lieu of such notice, wages for the period of that notice;

(b) the employee has been paid, at the time of retrenchment, gratuity calculated at the rate of not less than fifteen days' average pay for every completed year of service or any part thereof in excess of six months; and

(c) in the case of any retrenchment where no application is made under section 85, a notice in the prescribed manner is served on the appropriate Government.

89. *Restrictions on retrenchment of employees resulting from rationalisation, etc.*—No retrenchment of any employee which results from the introduction of any scheme of rationalisation, standardisation or improvement of plant or technique shall be made unless—

(*a*) an application has been made in this behalf under section 85 and—

(*i*) where the matter has been referred to a Tribunal, except in accordance with the award of the Tribunal, or

(*ii*) where the matter has not been so referred, or the intention to refer the matter has not been announced under section 86, until the expiry of thirty days from the date on which the application was received by the appropriate Government; and

(*b*) the conditions specified in clauses (*a*) and (*b*) of section 88 have been complied with.

90. *Procedure for retrenchment and re-employment of employees.*—(*1*) Where any retrenchment of employees is to be made, the employer shall follow such procedure as may be prescribed and shall, as among the citizens of India and the employees of any class from which such retrenchment is to be made retrench the employee who was the last person to be employed in that class unless, for reasons to be stated in writing, the employer retrenches any other employee.

(*2*) Where, after the commencement of this Act, any retrenchment of employees is made and the employer proposes to employ some persons, he shall, under such circumstances and in such manner as may be prescribed, give an opportunity to the retrenched employees to offer themselves for re-employment and the retrenched employees who offer themselves for re-employment shall have preference to other persons.

91. *Effect of provisions of this Chapter on contract, etc.*—Where an employee acquires any right relating to any of the matters referred to in this Chapter under any award or any contract or agreement with the employer, the provisions of this Chapter shall not have effect in derogation of such right

Provided that, such employee shall elect either to have all the rights acquired under such award, contract or agreement or to have all the rights to which he would be entitled under this Chapter.

CHAPTER XI

Certain General Provisions relating to Authorities under the Act

92. *Certain powers of the authorities under the Act.*—(*1*) A Registering Officer, Conciliation Officer, Board, Standing Board, Commission, Labour Court Tribunal or the Appellate Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit, in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of documents and material objects;

(*c*) issuing commissions for the examination of witnesses;

(*d*) any other matter which may be prescribed.

(*2*) The Appellate Tribunal or the Tribunal exercising appellate jurisdiction shall, subject to the provisions of this Act, have such further powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), when hearing an appeal.

(*3*) A Commission, Labour Court, Tribunal or the Appellate Tribunal may, if it so thinks fit, appoint one or more persons as assessors to advise it in any proceeding before it.

(*4*) A Labour Court or Tribunal or the Appellate Tribunal shall take into account the possible financial consequences of a proposed order, award or decision on the establishment to which it relates and may, for that purpose, take such expert evidence or assistance as it may deem necessary.

(*5*) A Conciliation Officer, a Presiding Officer of a Labour Court or a member of a Board, Standing Board, Commission, Tribunal or the Appellate Tribunal may, for the purpose of inquiring into any labour dispute, enter after giving a reasonable notice, into the premises occupied by any establishment to which the dispute relates.

(*6*) A Registering Officer, Conciliation Officer, Board, Standing Board, Commission, Labour Court, Tribunal or the Appellate Tribunal shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Criminal Procedure Code, 1898 (Act V of 1898); and any proceeding before such Board, Standing Board, Commission, Labour Court, Tribunal or the Appellate Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Act XLV of 1860).

93. *Procedure before the authorities under the Act.*—A Registering Officer, Conciliation Officer, Board, Standing Board, Commission, Labour Court, Tribunal or the Appellate Tribunal shall follow such procedure as may be prescribed, and subject thereto, the Appellate Tribunal may, by order, regulate the practice and procedure of the aforesaid authorities and where no provision or insufficient provision is made in respect of any matter by such rules and orders, the aforesaid authorities may follow such precedure as they think fit.

94. *Period of operation of settlements and collective agreements.*—(*1*) Where a collective agreement is concluded or a settlement is arrived at, such agreement or settlement shall come into operation with effect from such date as is agreed upon by the parties to the dispute, and if no date is so agreed upon, on the date on which the collective agreement or the memorandum of the settlement, as the case may be, is signed by the parties to the dispute.

(*2*) Such agreement or settlement shall remain in operation for such period, not exceeding three years, as is agreed upon by the parties, and if no such period is so agreed upon, for a period of one year, and shall continue to be binding on the parties after the expiry of the period aforesaid, until a

period of two months has elapsed from the date on which a notice in writing of an intention to terminate the settlement or agreement is given by one of the parties to the other party or parties to the settlement or agreement.

95. *Period of operation of orders and awards.*—(*1*) An order of a Labour Court shall, subject to the provisions of this section, remain in operation for such period, not exceeding three years and not less than one year, as may be specified in the order.

(*2*) An interim award shall remain in operation until the final award becomes executable. * * * * * *

(*3*) A final award shall, subject to the provisions of this section, remain in operation for such period, not exceeding three years, as may be specified in the award, and if no such period is so specified, for a period of one year.

(*4*) Notwithstanding the expiry of the period of operation of an order or award under sub-section (*1*) or sub-section (*3*), the order or award shall continue to be binding on the parties until a period of two months has elapsed from the date on which notice is given by any party bound by the order or award to the other party or parties intimating its intention to terminate the order or award.

(*5*) Nothing contained in sub-section (*1*) or sub-section (*3*) shall apply to any order of a Labour Court or award which by its nature, terms or other circumstances does not impose, after it has been given effect to, any continuing obligation on the parties bound by that order or award.

(*6*) Where the appropriate Government, whether of its own motion or on the application of any party bound by the order of a Labour Court or an award, considers that since it was made there has been a material change in the circumstances on which the order or award was based, it may refer the order or award or a part of it to a Labour Court or Tribunal for decision whether the period of operation should not, by reason of such change, be shortened, and the decision of the Labour Court or Tribunal on such reference shall, subject to the provision for appeal, if any, be final.

(*7*) In the computation of the period of operation of any order of a Labour Court under sub-section (*1*) or any award under * * sub-section (*3*), the period during which the implementation of the order or award is stayed by the Tribunal or, as the case may be, the Appellate Tribunal shall be excluded.

96. *Persons on whom collective agreements, settlements, orders and awards are binding.*—A settlement or an order of a Labour Court or an award or, subject to the provisions of section 42, a collective agreement, shall be binding on—

(*a*) all parties to the labour dispute;

(*b*) all other parties summoned to appear in the proceedings as parties to the dispute, unless the Board, Standing Board, Labour Court or Tribunal, as the case may be, records the opinion that they were summoned without proper cause;

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(c) where the party referred to in cluase (a) or clause (b) is an employer, his heirs, successors or assigns or the official assignee or liquidator in respect of the establishment to which the dispute relates;

(d) where the party referred to in clause (a) or clause (b) is composed of employees, all persons who were employed in the establishment or part of the establishment, as the case may be, to which the dispute relates on the date of dispute and all persons who subsequently become employed in that establishment or that part of the establishment.

97. *Right of appropriate Government to appear in any proceeding.*—The appropriate Government may, whether or not it is party to a dispute, appear in any proceeding before a Labour Court, Tribunal or the Appellate Tribunal and thereupon shall have the right to be heard as if it were a party to such proceeding.

98. *Representation of parties.*—(1) For the purpose of negotiations under Chapter IV or in any conciliation proceeding or in any proceeding in relation to standing orders or in any proceeding before a Labour Court, Tribunal or the Appellate Tribunal or for any other purposes of the Act, an employee may be represented in such negotiations or proceedings under this Act—

(a) by the employee himself; or

(b) where there is a certified bargaining agent, by such bargaining agent; or

(c) where there is no certified bargaining agent but there is a registered trade union of the employees—

(i) by an officer or another member of the registered trade union of which he is a member;

(ii) by an officer of a federation of trade unions to which the trade union referred to in clause (i) is affiliated;

* * * * * *

(d) where the employee is not a member of any trade union, by an officer of any trade union connected with, or by another employee of, the establishment in which the employee is employed and authorised in such manner as may be prescribed.

(2) For the purpose of negotiations under Chapter IV or collective bargaining under Chapter V or in any conciliation proceeding or in any proceeding in relation to standing orders or in any proceeding before a Labour Court, Tribunal or the Appellate Tribunal, an employer may be represented in such negotiations or collective bargaining or proceedings under this Act,—

(a) by the employer himself or any whole time officer of such employer or

(b) by an officer or another member of an association of employers of which he is a member;

(c) by an officer of a federation of associations of employers to which the association referred to in clause (b) is affiliated;

* * * * * *

(*d*) where the employer is not a member of any association of employers, by an officer of any association of employers connected with, or by any other employer engaged in, the class of establishments in which the employer is engaged and authorised in such manner as may be prescribed.

(*3*) No party to a labour dispute shall be entitled to be represented by a legal practitioner in any conciliation proceeding under this Act.

(*4*) A party to a proceeding before a Commission, Labour Court, Tribunal or the Appellate Tribunal shall not be represented by a legal practitioner save with the consent of the other parties to the proceeding and with the leave of the Commission, Labour Court, Tribunal or the Appellate Tribunal as the case may be:

Provided that nothing in this sub-section shall be deemed to debar an officer of any trade union or association of employers or any whole time officer of an employer entitled to represent a party under this section from representing that party merely because such officer is also a legal practitioner.

99. *Commencement and conclusion of proceedings.*—(*1*) A conciliation proceeding shall be deemed to have commenced on the date on which the Conciliation Officer, on receipt of a notice under section 27 or section 39, as the case may be, takes any steps to promote the settlement of the labour dispute or on the date on which the order referring the dispute to a Board is made or on the date on which the application to the Standing Board is presented, as the case may be.

(*2*) A conciliation proceeding shall be deemed to have concluded—

(*a*) where a settlement is arrived at, on the date on which the memorandum of the settlement is signed by the parties to the dispute; or

(*b*) where no settlement is arrived at, on the date on which the report of the Conciliation Officer is submitted to the appropriate Government or, as the case may be, on the date on which the report of the Board or Standing Board is published under section 59; or

(*c*) where, before a settlement is arrived at, a reference is made to a Tribunal under section 47, on the date on which such reference is made.

* * * * * *

(*3*) Any proceeding before a Commission shall be deemed to have commenced on the date on which the order referring the matter to the Commission is made and shall be deemed to have concluded on the date on which the report of the Commission is published under section 59.

(*4*) Any proceeding before a Labour Court shall be deemed to have commenced on the date of the filing of an application under section 61 and shall be deemed to have concluded on the date on which the Labour Court pronounces its order.

(*5*) Any proceeding before a Tribunal—

(*a*) in relation to adjudication of disputes referred to it, shall be deemed to have commenced on the date on which the order referring the dispute under section 47 is made and shall be deemed to have concluded on the date on which the award becomes executable under section 66;

(*b*) in relation to an appeal, shall be deemed to have commenced on the date on which the appeal is presented under section 67 and shall be deemed to have concluded on the date on which the decision is pronounced;

(*c*) in relation to an application, shall be deemed to have commenced on the date on which the application under section 70 is presented and shall be deemed to have concluded on the date on which the award becomes executable under section 66.

(*6*) Any proceeding before the Appellate Tribunal shall be deemed to have commenced on the date on which the appeal is presented under section 75 and shall be deemed to have concluded on the date on which the decision of the Appellate Tribunal becomes executable under section 79.

100. *Conditions of service, etc., to remain unchanged under certain circumstances.*—(*1*) No employer shall, within thirty days from the date of the service of any notice of a labour dispute under the proviso to section 27 or the proviso to section 39, as the case may be, in respect of any matter specified in the Third Schedule, alter to the prejudice of the employees concerned in such dispute the conditions of service applicable to them immediately before the service of such notice.

(*2*) During the pendency of any conciliation proceeding or proceeding before a Labour Court, Tribunal or the Appellate Tribunal in respect of any labour dispute, no employer shall—

(*a*) alter, to the prejudice of the employees concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding, or

(*b*) discharge or punish, whether * * by dismissal or otherwise, any employee concerned in such dispute,

save with the express permission in writing of the Conciliation Officer or the Board or the Standing Board or the Labour Court or the Tribunal or the Appellate Tribunal, as the case may be:

Provided that no such permission shall be necessary for suspending an employee for misconduct not connected with the dispute, if the employee is paid full wages during the pendency of such proceeding:

Provided further that no such permission shall be necessary for retrenching an employee in accordance with the provisions of Chapter X.

101. *Special provision for decision as to whether conditions of service, etc., changed during pendency of proceedings.*—Where an employer contravenes the provisions of section 100 during the pendency of proceedings before a Labour Court, Tribunal or the Appellate Tribunal, any employee, aggrieved by such contravention, may make a complaint in writing, in the prescribed manner, to such Court, Tribunal or Appellate Tribunal and on receipt of such complaint, that Court Tribunal or Appellate Tribunal shall adjudicate upon the complaint as if it were a labour dispute referred to, or pending before, it in accordance with the provisions of this Act and shall make or pass an order, award or decision, as the case may be, and the provisions of this Act shall apply accordingly.

102. *Certain matters to be kept confidential.*—There shall not be included in any report or order or award or decision under this Act any information obtained by a Conciliation Officer, Board, Standing Board, Commission, Labour Court, Tribunal or the Appellate Tribunal in the course of any investigation or inquiry as to a trade union or as to any individual business (whether carried on by a person, firm or company) which is not available otherwise than through the evidence given before such Officer, Board, Standing Board, Commission, Court, Tribunal or the Appellate Tribunal, if the trade union, person, firm or company in question has made a request in writing that such information shall be treated as confidential, nor shall any of the aforesaid authorities or any person present at or concerned in the proceedings disclose any such information without the consent in writing of the secretary of the trade union or the person, firm or company in question, as the case may be:

Provided that nothing contained in this section shall apply to a disclosure of any information for the purpose of a prosecution under section 193 of the Indian Penal Code (Act XLV of 1860).

103. *Interpretation of orders, awards and decisions.*—(*1*) If the appropriate Government is of opinion that doubts have arisen as to the interpretation of any order of a Labour Court or any award or any decision of the Tribunal or the Appellate Tribunal, made or passed under this Act, it may refer the question to the Court, Tribunal or the Appellate Tribunal which made or passed the order, award or decision or if the appropriate Government so thinks fit, it may refer the question to the Appellate Tribunal.

(*2*) The Labour Court, Tribunal or the Appellate Tribunal to which a question is so referred shall give its decision thereon after giving an opportunity to the parties concerned of being heard and such decision shall be final and binding on the parties.

CHAPTER XII

STRIKES AND LOCK-OUTS

104. *Conditions precedent to strikes and lock-outs.*—(*1*) No employee shall go on strike until—

(*a*) the employee or, where there is a certified bargaining agent on behalf of the employee, such bargaining agent has entered into negotiations or collective bargaining with the employer as provided for in Chapter IV and Chapter V, respectively, and the negotiation or collective bargaining, as the case may be, has failed, and

(*b*) where the employee is employed in a public utility service, a notice of strike, as hereinafter provided, has, on the failure of the negotiation or the collective bargaining, as the case may be, been given to the employer.

(*2*) No employer shall declare a lock-out to any of his employees until—

(*a*) the employer has entered into negotiations or collective bargaining with the employee or, where there is a certified bargaining agent on behalf

of the employee, with such bargaining agent, as provided for in Chapter IV and Chapter V, respectively, and the negotiation or the collective bargaining, as the case may be, has failed; and

(*b*) where the employer carries on a public utility service, a notice of lock-out, as hereinafter provided, has, on the failure of the negotiation or the collective bargaining, been given to the employees or the certified bargaining agent, as the case may be.

Explanation.—For the purposes of sub-sections (*1*) and (*2*), a negotiation or collective bargaining shall be deemed to have failed, if the negotiation or collective bargaining, as the case may be, is not commenced within the prescribed period or, where such negotiation or collective bargaining has commenced, if there is no settlement or collective agreement, within the period prescribed for the conclusion of negotiations or collective bargaining, as the case may be.

(*3*) Where a notice of strike or lock-out has been given under clause (*b*) of sub-section (*1*) or clause (*b*) of sub-section (*2*), no employee shall go no strike and no employer shall declare a lock-out—

(*a*) within fourteen days of giving notice, or

(*b*) before the expiry of the date of strike or lock-out specified in such notice, or

(*c*) after the expiry of six weeks from the date of giving such notice.

(*4*) A notice of strike referred to in sub-section (*1*) shall be given to the employer, the Conciliation Officer and the appropriate Government, in such manner as may be prescribed, by—

(*a*) where there is a certified bargaining agent on behalf of the employees, such bargaining agent, or

(*b*) where there is no such certified bargaining agent, such person or persons as may be prescribed.

(*5*) A notice of lock-out referred to in sub-section (*2*) shall be given by the employer in such manner as may be prescribed to the Conciliation Officer, the appropriate Government, and—

(*a*) where there is a certified bargaining agent on behalf of the employees, to such bargaining agent, or

(*b*) where there is no such certified bargaining agent, to such person or persons as may be prescribed.

105. *Restrictions of strikes and lock-outs.*—(*1*) No employee shall give any notice of strike or go on strike and no employer shall give any notice of lock-out or declare a lock-out in pursuance of any labour dispute—

(*a*) which is pending before a Conciliation Officer, Board or Standing Board, during the pendency of such concilition proceeding and during a period of fourteen days after the conclusion of such proceeding; or

(*b*) which is pending before a Tribunal, during the pendency of such proceeding or during a period of eight months from the date on which the proceeding before the Tribunal commenced, whichever is shorter; or

(*c*) which is pending before the Appellate Tribunal, during the pendency of such proceeding or during a period of eight months from the date on which the proceeding before the Labour Tribunal commenced, whichever is shorter; or

(*d*) in respect of which any settlement or collective agreement or award is in operation.

(*2*) Where Labour Courts have been constituted under section 10, no employee shall go on strike and no employer shall declare a lock-out in pursuance of any labour dispute relating to any matter which is not specified in the Second Schedule.

(*3*) Where a strike or lock-out in pursuance of a labour dispute has already commenced and is in existence at the time of the reference of the dispute to a Board or Tribunal, the continuance of such strike or lock-out shall not be deemed to be illegal if such strike or lock-out was not, at its commencement, illegal:

Provided that the appropriate Government may, by order, prohibit the continuance of any such strike or lock-out.

106. *Power to prohibit strikes and lock-outs in emergencies.*—(*1*) The appropriate Government may, if satisfied that it is necessary or expedient so to do for securing the public safety or the maintenance of public order or for maintaining supplies and services essential to the life of the community, by notification in the Official Gazette, prohibit strikes or lock-outs in any public utility service specified in the notification within such area and for such period, not exceeding six months, as may be so specified.

(*2*) The appropriate Government shall, on the first available opportunity, place the notification under sub-section (*1*), together with its reasons for issuing such notification, before the Legislative Assembly of the State or, where the appropriate Government is the Central Government, before Parliament.

107 *Illegal strikes and lock-outs.*—(*1*) A strike or lock-out shall be illegal, if—

(*a*) it is commenced, declared or continued in contravention of section 104 or section 105 or section 106; or

(*b*) it is continued in contravention of an order made under the proviso to sub-section (*3*) of section 105; or

(*c*) it is commenced before the expiry of fourteen days from the date on which the appropriate Government announced its intention to make a reference under the proviso to sub-section (*1*) of section 47; or

(*d*) it has any object other than, or in addition to, the settlement of the labour dispute which has arisen either in the establishment or establishments in which the employees going on strike are employed or the employers locking-out are engaged, or in any other establishment within the same class, and it has the object of inflicting severe and general hardship upon the community; or

(*e*) it is commenced or declared in an establishment within a particular class in sympathy with a strike or lock-out in any other establishment within a different class.

(*2*) A lock-out declared in consequence of an illegal strike or a strike declared in consequence of an illegal lock-out shall not be deemed to be illegal.

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108. *Consequences of illegal strikes and lock-outs.*—(*1*) Any employee who commences, continues, or otherwise acts in furtherance of, a strike which is illegal under this Act shall forfeit his claim to wages, leave, bonus, if any, the contribution payable by the employer to the provident fund, if any, and any other concession for the period of such a strike.

Explanation.—For the purposes of calculation of a claim to bonus under this sub-section, any part of a quarter of a year shall be taken to be a quarter of a year.

(*2*) Any employer who commences, continues, or otherwise acts in furtherance of, a lock-out which is illegal under this Act shall, for the period of such lock-out, pay to the employees wages at the rate of one and one-half times their average pay, bonus, if any, the contribution payable by the employer to the provident fund, if any, and grant to the employees leave or any other concession, as if the employees had been on duty during the period of such lock-out.

(*3*) Notwithstanding anything contained in sub-sections (*1*) and (*2*) and other provisions of this Act, where any illegal strike or lock-out, other than an illegal strike or lock-out under clause (*d*) or clause (*e*) of section 107, is called off within forty-eight hours of its commencement, an employee shall forfeit his claim to wages only for the period of such strike or, as the case may be, the employer shall be liable to pay to the employees their average pay and all other contributions or concessions as if the employees had been on duty during the period of such lock-out, and the employee or employer, as the case may be, shall not be liable to any other penalty under this Act:

Provided that the provisions of this sub-section shall not apply to any illegal strike or lock-out in any establishment, if it is declared or commenced within six months from the date of the declaration or commencement of another illegal strike or lock-out in the same establishment.

109. *Decision as to legality of strike to be final.*—Where a Tribunal authorised under section 70 decides whether or not a strike or lock-out is illegal under this Act, such decision shall, subject to the provision for appeal, be final and shall not be questioned in any other proceeding under this Act or in any proceeding under any other law for the time being in force.

110. *Allowance payable during strike period in certain cases.*—Where,, in pursuance of a labour dispute, an employee goes on strike which is not illegal under this Act, and such dispute is referred to a Tribunal for adjudication, that Tribunal may direct the payment of such allowance to that employee in lieu of wages for the period of strike as it thinks fit, not exceeding three-fourths of the average pay of the employee, and in determining the rate of allowance, the Tribunal shall have regard to the measure of success of the employee in respect of his demands for adjudication by the Tribunal.

CHAPTER XIII

Enforcement of Settlements, Collective Agreements, Orders and Awards

111. *Recovery of money due from an employer under settlements, etc.*—(*1*) Any money due from an employer under any settlement or collective agreement or order of a Labour Court or award may be recovered as arrears of land

revenue or as public demand by the appropriate Government on the application made to it by the persons entitled to the money under that settlement or agreement or order or award, as the case may be.

(2) Where an employee is entitled to receive from the employer any benefit under any settlement, collective agreement, order of a Labour Court or award which has not been received by him and, which is capable of being computed in terms of money, the amount at which such benefit should be computed may be determined—

(a) where the benefit is to be received under an order of a Labour Court or award of a Tribunal, by that Court or Tribunal; and

(b) in any other case, by such authority as may be prescribed;

and the amount so determined may be recovered in the manner provided for in sub-section (1).

(3) Where any amount recoverable under sub-section (1) is not an ascertained sum of money, that amount may be calculated and ascertained by such authority and in such manner as may be prescribed.

112. *Liability of contractors or agents to employers.*—Where an employer engaging the services of any contractor or agent is liable to pay to an employee under section 111 any amount which the employee could have recovered from the contractor or agent, the employer shall be entitled to be indemnified by the contractor or agent and all questions as to the right to, and the amount of, any such indemnity shall be settled by such authority as may be prescribed.

113. *Liability of employee on failure to comply with terms of settlement, etc.*—Where an employee refuses or fails to comply with any term of any settlement or collective agreement or orders of a Labour Court or award, such employee shall be liable to forfeit his claim to bonus, if any, and the contribution payable by the employer to the provident fund, if any, for the period of such non-compliance and shall also be liable to be dismissed from service.

Explanation.—For the purposes of calculation of claim to bonus under this section, any part of a quarter of a year shall be taken to be a quarter of a year.

114. *Liability of trade unions or certified bargaining agents on failure to comply with terms of settlement, etc.*—(1) Where a trade union or certified bargaining agent refuses or fails to comply with any term of an order of a Labour Court or award, or where a trade union refuses or fails to comply with any term of any settlement, or where a certified bargaining agent refuses or fails to comply with any term of any collective agreement,—

(a) such trade union shall forfeit its right to be recognised by the employer and shall be liable to have its registration cancelled; or

(b) such certified bargaining agent shall be liable to have its certification revoked.

Explanation.—For the purposes of this sub-section, a trade union shall not be deemed to have refused or failed to comply with any term of any settlement, collective agreement, order of a Labour Court or award, if the trade union removes from its membership, within two months from the date on which such settlement, agreement, order or award becomes enforceable, all the members who refuse or fail to comply with such a term.

(2) Where the recognition of a trade union is withdrawn or the registration of a trade union is cancelled or the certification of a bargaining agent is revoked under sub-section (1) for having refused or failed to comply with the terms of any settlement, collective agreement, award or order of a Labour Court, as the case may be, and the competent authority is satisfied that the trade union or bargaining agent has complied with all the terms which it refused or failed to fulfil, the competent authority shall, by order, set aside such withdrawal of recognition, cancellation of registration or the revocation of certification, as the case may be, and the trade union or the bargaining agent shall continue to have all the rights of a registered trade union or a recognised trade union or a certified bargaining agent, as the case may be.

Explanation.—For the purposes of this section, "competent authority" means any person, officer, court or other authority who is competent to withdraw the recognition of a trade union, cancel the registration of a trade union or revoke the certification of a bargaining agent.

115. *Special provisions for exercising control by the appropriate Government with regard to certain undertakings.*—(1) The appropriate Government may, if satisfied that it is necessary or expedient so to do for securing the public safety or the maintenance of public order or for maintaining supplies and services essential to the life of the community, by notification in the Official Gazette, declare any factory, as defined in the Factories Act, 1948 (LXIII of 1948), or any establishment or class of establishments as may be specified in the notification to be a controlled undertaking (hereinafter referred to as the controlled undertaking).

(2) Where the employer of a controlled undertaking refuses or fails to comply with any term of any settlement or collective agreement or order of a Labour Court or award, the appropriate Government may, by order, require such employer to comply, within two months from the date of the receipt of the order, with the terms of such settlement or agreement or order or award, as the case may be.

(3) Where the appropriate Government is satisfied that the employer has failed to comply with the terms as required by sub-section (2) within the prescribed period, the appropriate Government may appoint a committee to examine and report as to whether the Government should give direction to, or exercise control over, the undertaking in question.

(4) A committee under sub-section (3) shall consist of a chairman, who shall be an independent person, and two other members, one representing the employer of the controlled undertaking and the other representing the employees thereof, and the committee shall, after making such inquiry as it deems fit with the assistance of experts, if necessary, submit its report to the appropriate Government within one month from the date of the constitution of the Committee or such further time as may be allowed by the appropriate Government.

(5) The appropriate Government may, on consideration of the report of the committee, if any, submitted under sub-section (4) and, if it is satisfied that it is necessary so to do in the public interest, by order appoint a controller authorising him to give directions to, or to exercise functions of control over, the controlled undertaking or part thereof subject to such conditions, if any, as may be provided by the order. * * * * *

(6) The controller may give such directions to, or exercise such functions in respect of, the controlled undertaking as may be deemed necessary so, however, that the directions issued or the exercise of functions shall not be inconsistent with the provisions of any Act or other instrument determining the functions of the person or authority carrying on the controlled undertaking except in so far as may be specifically provided by the order under sub-section (5), and any person having any functions of management in relation to such undertaking or part thereof shall comply with the directions or orders given by the controller.

(7) The controlled undertaking shall be under the control of the appropriate Government for such period as the appropriate Governments may, by order, determine, and the appropriate Government may from time to time, extend the period of operation of control so, however, that such period does not, in any case, exceed three years in the aggregate.

116. *Periodical review of controlled undertakings and revision of settlement, etc.*—Where an undertaking is under the control of the appropriate Government under section 115, the affairs of such undertaking and in particular the financial aspects thereof shall be examined once in every six months in such manner as may be prescribed by the appropriate Government and if it be found that the undertaking continues to work at a loss over any two consecutive half-yearly periods, the appropriate Government shall refer the settlement, collective agreement, order of a Labour Court or award, as the case may be, with a statement of the financial position of the undertaking to the Appellate Tribunal for decision whether such settlement, agreement, order or award should be revised in view of the financial position of the undertaking and the decision of the Appellate Tribunal, on such reference, shall be final.

117. *Release of undertaking from the control of the appropriate Government.*—(1) Where any settlement, collective agreement, order of a Labour Court or award in respect of a controlled undertaking is modified by the Appellate Tribunal under section 116, that undertaking may, within fifteen days of the date of the decision of the Appellate Tribunal, be released from the control of the appropriate Government and restored to the employer if such employer gives a guarantee, in the prescribed manner, to the satisfaction of the appropriate Government to comply with the terms of the settlement, agreement, order or award, as the case may be, as modified by the decision of the Appellate Tribunal.

(2) Notwithstanding anything contained in sub-section (1), the appropriate Government may, at any time, on an application made to it by the employer of a controlled undertaking, release the undertaking from its control and restore the same to that employer on such terms and conditions as it thinks fit:

Provided that such employer agrees to comply with the terms of settlement or collective agreement or order of a Labour Court or award, as the case may be:

Provided further that the appropriate Government may, if satisfied that the employer has not complied with such terms and conditions, by order, resume control over that undertaking and appoint a controller authorising him to exercise functions of control over the undertaking or part thereof subject to such conditions as may be specified by the order.

118. *Continuance of control and closing down an undertaking in certain cases.*—Where any settlement, collective agreement, order of a Labour Court or award in respect of a controlled undertaking is not modified by the Appellate Tribunal under section 116, or where any employer refuses or is unwilling to give a guarantee under section 117, or where any employer having given the guarantee refuses or fails to comply with it, the appropriate Government may—

(*a*) either continue to exercise functions of control over that undertaking; or

(*b*) close down that undertaking.

119. *Profit and loss of the undertaking during the period of control.*—Any profit made or loss incurred in any controlled undertaking during the period of control of the appropriate Government under this Chapter shall be credited or debited to the assets of that undertaking and the appropriate Government shall not be held liable for any loss incurred in the undertaking during the period of such control.

120. *Protection of appropriate Government and controller.*— No suit for damages shall lie against the appropriate Government or the Controller appointed under this Chapter for any action which is in good faith taken in relation to any controlled undertaking by such Government or controller during the period of control and no injunction in respect of any action taken or to be taken by such Government or controller in relation to such undertaking shall be granted by any civil court or other authority.

CHAPTER XIV

PENALTIES

121. *Penalty for illegal strikes and lock-outs.*—(*1*) Any employee who commences, continues, or otherwise acts in furtherance of, a strike which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

(*2*) Any employer who commences, continues, or otherwise acts in furtherance of, a lock-out which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

122. *Penalty for instigation, etc.*—Any person who instigates or incites others to take part in, or otherwise acts in furtherance of, a strike or lock-out which is illegal under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

123. *Penalty for giving financial aid to illegal strikes and lock-outs.*—Any person who knowingly expends or applies any money in furtherance or support of any strike or lock-out which is illegal under this Act shall be punishable with

imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

124. *Penalty for breach of settlement, etc.*—Any person who commits a breach of any term of any settlement or collective agreement or order of a Labour Court or award which is binding on him under this Act, shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both, and the court trying the offence, if it fines the offender, may direct that the whole or any part of the fine realised from him shall be paid, by way of compensation, to any person who, in its opinion, has been injured by such breach.

125. *Penalty for disclosing confidential information.*—Any person who wilfully discloses any such information as is referred to in section 102 in contravention of the provisions of that section shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

126. *Penalty for altering conditions of service, etc.*—Any employer who contravenes the provisions of section 100 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

127. *Penalty for contravention of standing orders.*—(*1*) Any employer who fails to submit draft standing orders as required by section 16 or who modifies his standing orders otherwise than in accordance with the provisions of section 24 shall be punishable with fine which may extend to five hundred rupees.

(*2*) Any employer who does any act in contravention of the standing orders registered under Chapter III shall be punishable with fine which may extend to one thousand rupees.

128. *Penalty for retrenchment of employees in certain cases.*—Any employer who retrenches an employee in contravention of the provisions of section 88 or section 89 shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and the court trying the offence, if it fines the offender, may direct that the whole or any part of the fine realised from him shall be paid, by way of compensation, to any person who, in its opinion, has been injured by such contravention.

129. *Penalty for other offences.*—Whoever contravenes any of the provisions of this Act or any rule made thereunder shall, if no other penalty is elsewhere provided by or under this Act for such contravention, be punishable with fine which may extend to one hundred rupees.

130. *Offences by corporations.*—(*1*) Where a person committing an offence under this Act is a company or other body corporate, every person who, during the relevant period, was in charge of, and was responsible to, the company or other body corporate for the conduct of the business of the establishment in relation to which the offence was committed, as well as the company or other

body corporate, shall be deemed to be guilty of such offence and shall be liable to be proceeded against accordingly :

Provided that nothing contained in this sub-section shall render any person so in charge or responsible liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company or other body corporate and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company or other body corporate, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

CHAPTER XV

MISCELLANEOUS

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131. *Certain persons to be public servants.*—Every registering officer, Conciliation Officer, presiding officer of a Labour Court and every member of a Board, Standing Board, Commission, Tribunal or the Appellate Tribunal and every controller appointed under Chapter XIII shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

132. *Cognizance of offences by courts.*—(1) No court shall take cognizance of any offence punishable under this Act or of the abetment of any such offence, save on complaint made by any person aggrieved or by or under the authority of the appropriate Government or by an officer empowered in this behalf by such Government, by a general or special order.

(2) No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.

133. *Offence to be cognizable.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), an offence punishable under section 122 shall be cognizable.

134. *Protection of persons.*—(1) No person refusing to take part or to continue to take part in any strike or lock-out which is illegal under this Act shall, by reason of such refusal or by reason of any action taken by him under this section, be subject to expulsion from any trade union or society, or to any fine or penalty or to deprivation of any right or benefit to which he or his legal representatives would otherwise be entitled, or be liable to be placed

in any respect, either directly or indirectly, under any disability or at any disadvantage as compared with other members of the union or society, anything to the contrary in the rules of a trade union or society notwithstanding.

(2) Nothing in the rules of a trade union or society requiring the settlement of disputes in any manner shall apply to any proceeding for enforcing any right of exemption secured by this section, and in any such proceeding the civil court may, in lieu of ordering a person who has been expelled from membership of a trade union or society to be restored to membership, order that he be paid out of the funds of the trade union or society such sum by way of compensation or damages as that court thinks just.

135. *Protection of action taken under the Act.*—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder.

136. *Delegation of power.*—The appropriate Government may, by general or special order, direct that the powers exercisable by it by or under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by an officer subordinate to that Government.

137. *Power to give directions.*—The Central Government may give directions to the State Governments as to carrying into execution the provisions of this Act.

138. *Power to make rules.*—(*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the manner in which representatives of employers and employees may be chosen in Works Committee, Board or Standing Board and the time within which a party to a dispute may make its recommendation for the representation of that party to a Board;

(*b*) quorum for the functioning of Boards, Standing Boards, Commissions and Tribunals;

(*c*) qualifications for appointment as a member of a Tribunal or the Appellate Tribunal;

(*d*) the particulars to be stated in standing orders;

(*e*) conditions under which a group of employers may submit joint standing orders;

(*f*) model standing orders;

(*g*) form of notice, manner of service of notice or summons by the authorities under this Act; manner of sending documents required to be sent under this Act to employers and employees; and giving of notice required to be given under this Act by one party to another;

(*h*) the manner in which negotiations and collective bargaining may be held and the manner of registration of settlements and collective agreements;

(*i*) the manner of holding conciliation proceedings;

(*j*) the manner in which application may be made by employers and employees to the appropriate Government for reference of any dispute or matter to a Board, Tribunal or Commission;

(*k*) the form and manner in which application may be made to Standing Boards, Labour Courts, Tribunals and the Appellate Tribunal; the jurisdiction of Labour Courts and Tribunals to hear applications;

(*l*) the form and manner in which appeals may be presented to Tribunals and the Appellate Tribunal; the jurisdiction of Tribunals to hear appeals from orders of Labour Courts;

(*m*) the manner in which the report of a Commission, Board or Tribunal shall be published;

(*n*) the procedure to be followed by authorities under this Act in respect of proceedings before them;

(*o*) the forms to be used and the registers to be maintained under this Act;

(*p*) the manner in which employers and employees may authorise other persons to represent them in negotiations or collective bargaining and in any proceeding under this Act;

(*q*) the form in which notice of strike or lock-out may be given and the manner of service of such notice;

(*r*) the authority to calculate and determine the amount of money recoverable under section 111 and section 112;

(*s*) the powers, duties and functions of controllers appointed under Chapter XIII;

(*t*) the manner in which guarantee may be given by employers to the appropriate Government for release of a controlled undertaking;

(*u*) the levy and collection of court-fees in respect of an application or appeal made to any of the authorities under this Act, the levy and collection of process fees in respect of service of summons and notices and the levy and collection of fees in respect of supply of certified or other copy of any notice, settlement, collective agreement, order of a Labour Court, award of a Tribunal or decision of the Tribunal or Appellate Tribunal;

(*v*) the manner in which disciplinary action may be taken by an employer against his employees;

(*w*) meaning of continuous employment for the purposes of sections 83 and 88.

(*x*) the manner in which applications for retrenchment may be made, and the particulars which such applications may contain;

(*y*) the procedure to be followed in effecting retrenchment of employees and in re-employing such retrenched employees;

(*z*) any other matter which has to be, or may be, prescribed under this Act.

139. *Power to make regulations.*—(*1*) A State Government may, by notification in the Official Gazette, make regulations, not inconsistent with this Act and the rules made thereunder, to carry out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the matters specified in sub-section (*2*) of section 138 other than any matter relating to the Appellate Tribunal.

(*3*) If any regulation made under this section is repugnant to any rule made under section 138, the rule made, whether before or after the making of the regulation, shall prevail, and the regulation shall, to the extent of the repugnancy, be inoperative.

140. *Repeals and savings.*—(*1*) On the coming into force of the provisions of this Act [other than those of section (*1*)] in any State or in respect of the specified class or classes of establishments in any State, the following Acts, namely :—

(*a*) The Industrial Employment (Standing Orders) Act, 1946 (XX of 1946),

(*b*) The Industrial Disputes Act, 1947 (XIV of 1947),

(*c*) The Industrial Disputes (Banking and Insurance Companies) Act, 1949 (LIV of 1949),

(*d*) The Industrial Disputes (Appellate Tribunal) Act, 1950 (XLVIII of 1950),

(*e*) The Bombay Industrial Relations Act, 1947 (Bom. Act XI of 1947),

(*f*) The United Provinces Industrial Disputes Act, 1947 (U. P. Act XXVIII of 1947),

(*g*) The Central Provinces and Berar Industrial Disputes Settlement Act, 1947 (C.P. and Berar Act XXIII of 1947), and

(*h*) The Industrial Disputes (Madras Amendment) Act, 1949 (Mad. Act XII of 1949),

shall stand repealed in relation to that State or, as the case may be, in respect of the specified class or classes of establishments within that State.

(*2*) On the coming into force of the provisions of this Act [other than those of section (*1*)] in any of the Part B States or in respect of the specified class or classes of establishments in any of the Part B States, if immediately before such commencement there is in force in that State any law relating to the adjudication of labour disputes other than those referred to in sub-section (*1*), that law shall stand repealed in relation to that State or, as the case may be, in respect of the specified class or classes of establishments within that State.

(*3*) Notwithstanding any such repeal, any proceeding commenced or penalty incurred under any of the Acts mentioned in sub-section (*1*) or any law referred to in sub-section (*2*) shall be continued or enforced as if this Act had not been passed, and subject thereto, anything done or any action taken, including any appointment made, order, notification, rules or bye-laws made or issued under any of the aforesaid Acts or laws and in force immediately before the commencement of this Act shall be deemed to have been done, taken, made or issued under the corresponding provisions of this Act as if

this Act were in force on the day on which such thing was done or action was taken or appointment, order, notification, rules or bye-laws were made or issued.

THE FIRST SCHEDULE

[*See* section 2 (25)]

(1) Classification of employees, *e.g.*, whether permanent, temporary, apprentices, probationers, or *badlis*.

(2) Manner of intimating to employees periods and hours of work, holidays, pay-days and wage rates.

(3) Shift working.

(4) Attendance and late coming.

(5) Conditions of, procedure in applying for, and the authority which may grant, leave and holidays.

(6) Requirement to enter premises by certain gates, and liability to search.

(7) Closing and reopening of sections of the establishment, and temporary stoppages of work and the rights and liabilities of the employer and employees arising therefrom.

(8) Termination of employment, and the notice thereof to be given by employer and employees.

(9) Suspension or dismissal for misconduct, and acts or omissions which constitute misconduct; and, in particular, subject to rules made under this Act, procedure for taking disciplinary action against employees.

(10) Means of redress for employees against unfair treatment or wrongful exactions by the employer or his agents or servants.

(11) Any other matter which may be prescribed.

THE SECOND SCHEDULE

(*See* sections 10 and 47)

1. Wages.
2. Bonus or payment under any scheme of profit-sharing.
3. Contribution paid or payable by the employer to any provident fund or pension fund or for the benefit of the employees under any law for the time being in force.
4. Compensatory and other allowances.
5. Hours of work.
6. Leave with pay.

7. Working in * * shifts.

8. Classification by grades.

9. Rationalisation of labour and plant.

10. Whether an employee has been wrongfully dismissed; reinstatement of, or damages to, a person wrongfully dismissed.

11. Retrenchment of employees.

12. Whether procedure for retrenchment has been followed; gratuity payable to an employee on retrenchment.

13. Whether an employer or employee or a trade union or a certified bargaining agent has failed to comply with terms of any settlement or collective agreement or order of a Labour Court or award, as the case may be.

14. Whether a strike or lock-out is illegal.

15. Any other matter which may be prescribed.

THE THIRD SCHEDULE

(*See* the provisos to sections 27 and 39.)

1. Wages, including the period and mode of payment.

2. Contribution paid or payable by the employer to any provident fund or pension fund or for the benefit of the employees under any law for the time being in force.

3. Compensatory and other allowances.

4. Hours of work.

5. Leave with pay.

6. Starting, alteration or discontinuance of shift working other than in accordance with standing orders.

7. Classification by grades.

8. Withdrawal of any customary concession or privilege, or change in usage.

9. Introduction of new rules of discipline, or alteration of existing rules except in so far as they are provided in standing orders.

M. N. KAUL,
Secretary.

PARLIAMENT OF INDIA

The following Report of the Select Committee on the Bill to provide for the registration and recognition of trade unions and in certain respects to define the law relating to registered and recognised trade unions and to certain unfair practices by employers and recognised trade unions, was presented to Parliament on the 1st December, 1950 :—

THE TRADE UNIONS BILL, 1950

PARLIAMENT OF INDIA

REPORT OF THE SELECT COMMITTEE OF THE TRADE UNIONS BILL, 1950

We the undersigned members of the Select Committee to which the Bill to provide for the registration and recognition of trade unions and in certain respects to define the law relating to registered and recognised trade unions and to certain unfair practices by employers and recognised trade unions was referred, have considered the Bill, and have now the honour to submit this our report with the Bill as amended by us annexed thereto.

Upon the changes proposed by us, which are not formal or consequential, we note as follows :—

Clause 2

Clause 2 (1).—We think that the Central Government should be the appropriate Government in relation to any establishment in which more than 50 per cent of the total capital is provided by the Central Government. This provision has been made in part (x).

Clause 2 (2).—The concept of civil servant is a little complicated, and the definition has been redrafted to make the meaning more clear. We, however, think that when the appropriate Government by notification amends the definition of "civil servant", such notification should be placed before Parliament or the Legislature of the State, as the case may be. A proviso to this effect has been added to this clause.

Clause 2 (3).—We consider that domestic servants should not be excluded from the category of employees and the definition of "employee" has been modified accordingly.

Clause 2 (4).—Under the existing definition, a contractor would be the employer in relation to persons employed by him. This may sometimes cause hardship to the employees. We have accordingly provided that, in certain circumstances in relation to contractor's labour, both the contractor and the ultimate employer engaging the contractor should have the obligations of the employer. The definition has accordingly been modified, and other changes are formal changes.

Clause 2 (9).—We are of opinion that the dismissal of an employee should not be taken out of the purview of a labour dispute. We, however, feel that a dispute should not arise until the employee has actually been dismissed. The proviso to this clause has accordingly been omitted and the definition has been redrafted.

Clause 2 (10).—We have inserted this new clause to define the expression 'lock-out".

Clause 2 (17) [*original clause 2 (16)*].—The definition of "trike" has been modified so as to include within its scope any strike which is declared to help the employees of another establishment to put pressure on their employer.

Clause 4.—We consider that when application for registration of a trade union is made, at least five of the persons making the application should be ordinary members. We have inserted two provisos to clause (*e*) to provide that a person shall not be excluded from the membership of a trade union merely on grounds of sex, religion or caste. We have also provided that the restrictions applicable to the admission of ordinary members in a trade union should not apply to a federation of trade unions.

Clause 10.—We have substituted the word "suspended" for the word "withdrawn", and have added a proviso to make the meaning clear.

Clause 11.—We are of opinion that it is not necessary to provide for a second appeal to the High Court, and hence sub-clause (4) has been omitted.

Clause 16.—We have made some drafting changes in this clause.

Clause 20.—We have omitted a few words as being unnecessary.

Clause 24.—Under the existing clause, the number of outsiders who may be officers of a trade union is restricted to four or one-fourth of the total number of members of the executive, whichever is less. We, however, feel that in the case of a trade union which is connected with a large number of undertakings and which has a large membership spread over a wide area, it may be necessary to relax the restriction in respect of outsiders. We have, therefore, made a provision empowering the Government to prescribe by regulations the admission of outsiders as officers of a trade union. We have also redrafted this clause.

Clause 31.—We are of opinion that where Labour Courts are constituted under the Labour Relations Act, such Courts should be vested with all the powers of Labour Courts under this Act. We have amended sub-clause (1) accordingly. We have also amended sub-clause (2) in order that the qualifications of presiding officers of Labour Courts under both the Acts may be the same.

Clauses 32 and 33.—We have rearranged these two clauses, and sub-clauses (2), (3) and (4) of clause 33 have been incorporated as sub-clauses (5), (6) and (7) of clause 32.

In sub-clause (1) of clause 33, we have slightly amended part (*c*) in order to make it clear that a trade union may be representative of all the employees or a particular class of employees in an establishment.

We have omitted part (*d*) as this provision has already been inserted in clause 6.

We think that it should be clearly laid down in the Act that no strike should be declared until the majority of the members have by secret ballot decided in favour of such strike. Part (*e*) has accordingly been amended.

We also think that meetings of the executive committee of a trade union should be held at least once in every three months.

Clause 34.—We are of opinion that it should be laid down by rules as to how to determine the representative character of a trade union. We have modified sub-clause (4) accordingly.

Clause 35.—We consider that it is necessary to specify the rights of a recognised trade union in greater details, and we have accordingly amended sub-clause (4).

Clauses 40 and 41.— We are of opinion that the refusal to enter into negotiations to settle a labour dispute either by the employer or a trade union or a certified bargaining agent is an unfair practice. So also the declaration of an illegal lock-out is an unfair practice on the part of an employer. We have amended these clauses accordingly.

Clause 45.—We consider that if an employer goes on committing unfair practices, the penalty for subsequent convictions should be heavier. We have accordingly amended this clause.

2. The Bill was published in Part V of the *Gazette of India,* dated the 4th March, 1950.

3. We think that the Bill has not been so altered as to require circulation under rule 77 (4) of the Rules of Procedure and Conduct of Business in Parliament; and we recommend that it be passed as now amended.

B. R. AMBEDKAR
JAGJIVAN RAM
M. R. MASANI
RAMRAJ JAJWARE
*TRIBHUWAN NARAYAN SINGH
*K. T. SHAH
BALWANT SINHA MEHTA
M. L. DWIVEDI
R. L. MALVIYA
SURENDRANATH BURAGOHAIN
G. DURGABAI
HUKAM SINGH
A. C. GUHA
HARIHARNATH SHASTRI
RASOOLKHAN
**DAMODAR SWARUP SETH
A. K. MENON
AWADHESHWAR PRASAD SINHA
V. KODANDARAMA REDDY
CHANDRIKA RAM

NEW DELHI;
The 1st December, 1950.

*Subject to a minute of dissent.
**Subject to minutes of dissent.

Minutes of Dissent

I

While I am in general agreement with the provisions of the Trade Unions Bill as amended by the Select Committee I feel that employees of munitions and such other factories as are run by the Defence Department should have been specifically excluded from the purview of this measure. Surely, workers in such factories which are so intimately connected with national security should not be governed by the ordinary Trade Union Law. I, therefore, suggest that a specific provision should be made in the Bill excluding workers in munitions and other factories under the control of the Defence Department from the purview of this Bill.

Similarly, domestic servants should be excluded from the operation of this measure. I disagree with the amendment made by the Select Committee treating domestic servants on par with other classes of employees.

Subject to the above note I sign the report of the Select Committee.

TRIBHUWAN NARAYAN SINGH.

NEW DELHI;
The 1st December, 1950.

II

1. We regret we are unable to agree with our colleagues of the majority in the Select Committee on this Bill, as we feel that, on many points, too numerous to be all detailed here, there are radical differences between us. These are matters of fundamental principle and vital importance to the progress of organised labour in the country. We shall, however, mention a few of the most important to illustrate the nature and extent of the divergence between our views and those of the majority of our colleagues on the Select Committee.

2. There are several items in the clause giving definitions of the leading terms in the Bill, which, read with other clauses, as well as with the Labour Relations Bill, would, in effect, deny the Right of Association to the Civil Servant. This category of workers has been defined sufficiently widely to include a large variety, and a still larger number, of employees,—large, both in itself absolutely, and large, also, in proportion to the total strength of organised workers in the country. The Constitution of India enumerates the Right of Association as among the Fundamental Rights of Citizenship. The declaration of Human Rights, internationally accepted as such, also includes the right of association as among the elementary human rights. Nevertheless, this provision virtually denies that right to a very large category of workers. The Civil Servant does not cease to be a citizen, or a human being , solemnly assured of certain basic rights under the Constitution as well as by international convention, merely because he accepts employment under Government, whether at the Centre or in the States, or even in a large variety of Public Bodies, Local Authorities or Statutory Corporations. To deny or restrict such a basic Right by local legislation is, therefore, against the very foundation of Labour Organisation. We, therefore, dissent radically, in this regard, from the majority of our colleagues.

3. Trade Unionisation is, we may add, permitted and recognised, in many advanced, industrialised, democratic countries, in branches of the Civil Service comprising such Security Services as the Police. There is, therefore, no reason of principle or precedent why we should deny this obvious constitutional Right to this class of our citizens, engaged in public service.

4. If the underlying principle for such denial or restriction is the belief that Public Service is under model conditions of employment, and relations between employers and the employed, recollections of frequent strikes or threats of strike, in our leading departments of public service would dispel any such illusion. Public employment needs as much the spur or the curb of strongly unionised labours to keep to the mark, as labour engaged under any private, profit seeking employer. In fact so long as a mixed economy prevails, and considerable sectors of workers are under private as well as under public employment, the latter class of enterprises would be indulging in unfair competition, if the labour conditions of its employees are differentially treated.

5. The distinction between gazetted and non-gazetted staff or demarcation on the line of salary rates, in the case of specified categories of public employees, is as anomalous as it is illogical. The power given under the Bill to the "Appropriate Government" to vary or modify the definition of "Civil Servant" is calculated to introduce or intensify party spirit in public service, or encourage invidious undesirable favouritism by the powers that be. This does not in any way modify the primary objection to the treatment of the Civil Servant unionising, it only creates new obstacles to the growth and spread of the trade union movement in the country.

6. While welcoming the amendment made by the Select Committee whereby domestic servants would no longer be excluded from the advantages of this legislation, it must be pointed out that there is nothing in the entire Bill as originally presented or as amended by the Select Committee, which would directly foster and encourage the growth of the trade union movement in this yet unorganised class of workers. They are exposed to the worst form of exploitation. A comprehensive measure, such as this purports to be, should safeguard and protect, not only the rights and interests of existing Unions; it must stimulate and actively promote the spirit of organisation, so as the more effectively to safeguard the interests of all classes of labour equally.

7. The clauses relating to the Registration of Trade Unions, the Conditions for securing registration for the refusal, suspension or cancellation of Registration, are too cumbrous and complicated for the average employee. The provisions for appeal against the refusal, suspension or cancellation of registration are calculated, rather to involve intending Unions in considerable expenditure of time and money, than to secure justice, or effective safeguard for the rights and interests of organised workers.

8. Chapter III of the Bill, entitled "Rights and Liabilities of Registered Trade Unions", seems to be somewhat of a misnomer. There are more onerous obligations or liabilities cast upon the Registered Trade Unions under Chapter, than rights, benefits or advantages assured. The denial, by implication if not by express provision, of the right to political activity to Trade Unions consisting wholly or partly of Civil Servants, may be a minor handicap, though in point of principle, its importance can never be exaggerated. But the provision requiring the maintenance of a separate Political Fund, if any be maintained at all, and the denial of the Union's right to make subscriptions by members for political purposes compulsory, are as retrograde as they are uncalled for. The lesson of the classic Osborne Judgment in the history of the British Trade

Unions seems to be either unknown to the sponsors of the Bill and to the majority of the Select Committee; or they have sadly failed to appreciate its significance. The Labour Party in Britain would never have attained real, effective power in the government of the country, if Trade Unions, which form the core and backbone of the labour movement, had been thus handicapped against political activity to promote their immediate interests, and realise their ultimate objectives. It is such provisions as these which lay a heavy discount on constitutional methods of effecting radical social changes, and place an equally high premium on violent, revolutionary means unavoidably adopted by a despairing and exasperated proletariat. Modern trends in all advanced industrialised communities, which found their social structure and political activity on democratic principles, are in favour of permitting all legitimate constitutional activity, whether of a political or of an economic, character to Workers' Organisations *Mutatis Mutandis* these observations also apply to the Chapter on the Recognition of Trade Union.

9. Besides, the attempt rigorously to keep apart, or mutually distinguish from one another politics and economics, is an anachronism impossible to sustain in a free, sovereign country. The very Preamble of our Constitution promises Social Justice and Economic Equality to all its citizens. The two are facets of the same idea, not intrinsically hostile mutually, nor incompatible one with the other. There is no problem of politics, in a modern industrialised community, which has not its economic aspect; and *vice versa*. All aspects of modern life, all activities, all interests and objectives are so closely interconnected and interdependent, that any attempt to keep them wholly apart and uninfluenced by one another is doomed to unmitigated failure, whether by silent undermining, or open opposition. It is a cant which could be undertood when the foreigner ruled and exploited the land and its people; but today, it is a doctrine, neither intelligible nor excusable, neither practicable nor permissible to any one claiming in the least to be a lover of justice or freedom.

10. Attention may be drawn, in this connection, to the clause which restricts the number or proportion of persons who are not "ordinary members" of a Trade Union, to be elected office bearers. This provision rests on a basic misconception of the role of the ordinary citizen in the progress and development of Trade Unionism. The movement for workers' Organisations is still in its infancy in this country. An overwhelming proportion of our population is illiterate; and workers in modern industry are no exception to the rule.

11. The problem, again, of a country's aggregate economy in which the place and fuction of organised labour is only one factor along with several others to be considered and ordinated, are much too complex, numerous, and many-sided to be properly appreciated, in their true perspective and proportion, by the average toiler. He is too exhausted and wearied by his daily dose of labour to have any energy left for analysing and understanding, too unversed in the mysteries of economics to solve such complex questions at all satisfactorily even to himself. On the other hand, the employing class, or its minions, though better educated, with a wider understanding and deeper insight than the average worker, are too hostile by their education and outlook, their training and experience, to have any real sympathy with the demands of Labour, ever growing more conscious of its dues. Very few of our fellow citizens have innate sympathy and real understanding, not only of the problems of a given Union, or even of the Working Class as a whole, but also of our aggregate national economy, its predicament and potentiality. If they come forward to guide, advise, lead or organise Labour, and yet are excluded or restricted

from offering the full benefit of their education, information, understanding or experience to the growing muds of Labour, the interests of Labour,—both as a class and as a factor in the production of new wealth,—will not suffer alone; but the long-range and aggregate interests of the community collectively, of the national economy as a whole, will suffer even more irreparably.

12. Our objection to this provision rests not only on the long range interests of the community collectively, nor on the demands of industrial peace and social justice. Even on the more immediate and narrower ground of a given labour union, we think it would be harmful to prohibit or restrict a full measure of guidance, advice, or service by experienced "outsiders". Ordinary workers must, of course, have their full share in the conduct of their own affairs and shaping of their basic policy. But without an adequate leavening by the broader outlook and wider sympathies of such outsiders, there would be ever present a danger of narrowness of outlook, of obstinacy in negotiation, which may prove injurious to the cause of the given Trade Union itself, and to the progress of labour organisation as a whole. We would, therefore, put no statutory, or specific, limit on the number or proportion of the non-ordinary members who can be elected to executive office in a Trade Union.

13. The definition, or enumeration, of 'Unfair Practices' (Chapter V) and the penalties provided against them, display a lack of sympathy with the labour movement and its customary activities, which cannot but be deprecated.

14. There are many other provisions, in the wording or spirit of which we differ from the majority of our colleagues. We shall bring out these differences concretely when the Bill is considered clause by clause. For the purpose of this Minute, we trust enough has been said to show how deep, how wide, how varied is our difference with our colleagues of the majority.

K. T. SHAH.
DAMODAR SWARUP SETH.

NEW DELHI;
The 1st December, 1950.

Minute of Dissent

Not having been able to see eye to eye with the majority of my colleagues of the Select Committee on the Trade Unions Bill, I regret I feel compelled to write this separate note of Dissent.

Introductory:

The broad principles on the basis of which I am totally opposed to the enactment into law of these measures are as follows:

(*a*) Right of Association and Right to Organise.
(*b*) Right of Collective Bargaining.
(*c*) Right of Strike.
(*d*) Free Trade Unionism.
(*e*) Trade Union Democracy.

It would not be inappropriate to note here that the function of any Labour Legislation should primarily be :

(*a*) Protection of Labour against certain civil and criminal liabilities in common law such as conspiracy, restraint of trade, picketting and the like, as Labour happens to be the weaker party-*vis-a-vis* the Employer ;

(*b*) To advance the cause of Labour by making Statutory Provisions for living wages, social security, safe and healthy conditions of work, better and improved conditions of living ; and effective voice in the management, etc., which alone can create the necessary psychology in workers for obtaining increased production, expansion of industries and prosperity of the country.

2. *Right of Association and Right to Organise.*

The Indian Trade Union Act, 1926, guaranteed this right. It has been regarded fundamental by the I.L.O. and by the U.N.O. The International Confederation of Free Trade Unions considered it inviolate. Not only that, it has been guaranteed even under the Constitution of India and to that extent, the provisions of the Trade Unions Bill, if enacted into law, will be unconstitutional and therefore *null* and *void.*

3. The Bill however violates these rights as follows :—

(*a*) Restrictions on the exercise of the right by Civil servants and Government Employees, create invidious distinction between these and other employees and are incompatible with the principle of the Right of Association and Right to Organise ;

(*b*) The scope of political awakening among the workers through their Trade Unions should be widened by extending the field for political activities of any kind ;

(*c*) The severe restrictions placed on participation of non-employees among workers through their Trade Unions movement as honorary members of a trade union must have been removed, as the working class in this country, are illiterate, backward, and unfamiliar with the English language or any kind of organisational or administrative work as it is, and should have been allowed the benefit of the services of such honorary members limiting the number to at least 33 per cent, if not 50 per cent.

(*d*) Right of Strike :

While voluntary arbitration is alawys welcome in the exercise of the workers right of collective bargaining in all democratic countries, Right of Strike has justifiably been considered the chief weapon in the armoury of the working class.

The wide definition of strike, however, in the Trade Union Bill (clauses 2-17) read with the provisions regarding strikes in the Labour Relations Bill may at the intervention of Government, make any strike a criminal offence, being either illegal or irregular and will consequently be accompanied with heavy punishments on the employees and their trade unions involving loss of legal personality and consequential loss of protection and benefits of the law. These provisions will quite naturally, have their adverse repercussions on the psychology of the workers, as they will severely restrict the workers right of collective bargaining, assured to them by the I.L.O.

4. Amalgamation of Trade Unions in the same establishment or class of establishments should, on similar grounds, be encouraged by reducing the minimum number from 50 per cent to 25 per cent of the total number of each of the unions concerned. Where, however, rival unions exist, let democracy be tried out in its true spirit and justice done by providing an impartial machinery such as the Labour Court or the National Labour Relations Board, as in U.S.A., instead of having judicial decisions to be made by the Registrar as under Section 35 (3) of the Trade Unions Bill.

5. The Trade Union Rights as enjoyed by "approved unions" under the Bombay Industrial Relations Act, 1946, should be made available to all registered unions such as :—

(*a*) Collection of dues from union members on the premises, where wages are paid;

(*b*) Putting up union's "Notice Board" for affixing its notices on the undertaking's premises;

(*c*) Holding discussions with union members on such premises;

(*d*) Meeting and discussing employees' grievances with the employer;

(*e*) Inspection of any place of the undertaking where any member may be working.

DAMODAR SWARUP SETH.

NEW DELHI;
The 1*st December*, 1950

THE TRADE UNIONS BILL, 1950.

(As amended by the Select Committee)

(Words sidelined or underlined indicate the amendments suggested by the Committee; asterisks indicate omissions.)

Bill No. 14 of 1950

A

BILL

to provide for the registration and recognition of trade unions and in certain respects to define the law relating to registered and recognised trade unions and to certain unfair practices by employers and recognised trade unions.

Be it enacted by Parliament as follows :—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—(*1*) This Act may be called the Trade Unions Act, 1950.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf.

2. *Interpretation.*—In this Act, unless the context otherwise requires,—

(*1*) "appropriate Government" means—

(*a*) the Central Government, in relation to any trade union whose objects are not confined to one State or of which not less than fifty per cent of the members are persons employed to do any work for hire or reward in any of the following establishments, namely :—

(*i*) railways,

(*ii*) major ports,

(*iii*) any form of inland or costal transport which maintains establishments and connected services in more than one State,

(*iv*) mines,

(*v*) oilfields,

(*vi*) industries the control of which by the Union has been declared by Parliament by law to be expedient in the public interest and which are notified in this behalf by the Central Government in the Official Gazette,

(*vii*) banking companies having branches in more than one State,

(*viii*) insurance companies having branches in more than one State,

(*ix*) such corporations established by the authority of the Central Government as are notified in this behalf by that Government in the Official Gazette,

(*x*) establishments carried on by or under the authority of the Central Government or in which not less than fifty per cent of the total capital is provided by that Government,

(*xi*) any other establishment or class of establishments the objects or activities of which are not confined to one State and which is notified in this behalf by the Central Government in the Official Gazette, and

(*2*) (*a*) "civil servant" means a person who is a member of a civil service of the Union or an All-India service or a civil service of a State or holds any civil post under the Union or a State:

Provided that such a person shall not be deemed to be a civil servant if he—

(*i*) is paid from contingencies, or

(*ii*) is employed either as a non-gazetted servant or as a gazetted servant drawing a basic pay (excluding allowances) of not less than two hundred rupees per mensem in any of the following establishments owned or managed by or under the Central or a State Government, namely:

I. railways and other forms of transport;

II. ports, docks, wharves or jetties;

III. telegraph, telephone, wireless telegraph or broadcasting establishments;

IV. mints;

V. printing presses;

VI. ordnance factories, depots or other installations;

VII. public works establishments, in so far as they relate to work-charged staff;

VIII. irrigation and electric power establishments;

IX. plantations;

X. mines, as defined in clause (*f*) of section 3 of the Indian Mines Act, 1923 (IV of 1923);

XI. factories; as defined in clause (*m*) of section 2 of the Factories Act, 1948 (LXIII of 1948).

Explanation.—Notwithstanding anything contained in the proviso, a person shall not be deemed to be excluded from being a civil servant within the meaning of this clause if such person is employed—

(*i*) in the offices of the Railway Board, or of the General Managers of Railways and other forms of transport, or

(*ii*) in the offices of the Director-General of Posts and Telegraphs and any Postmaster-General or the Director-General of Broadcasting; or

(*iii*) in the offices of the Director-General of Ordnance Factories; or

(*iv*) in the offices of any chief engineer or superintending engineer or any public works establishment; or

(*v*) as a telegraphist, telephone or wireless operator;

(*b*) the appropriate Government may, if it is satisfied that the public interest so requires, by notification in the Official Gazette, amend the entries specified in clause (*a*) so as to include in, or exclude from, the definition of "civil servant" any class of persons employed in any office or in any establishment or class of establishments:

Provided that no such notification shall be issued so as to include any class of persons within the definition of "civil servant" unless the appropriate Government is satisfied that the conditions of service applicable to such class of persons are not less satisfactory than those applicable to civil servants of a similar class:

Provided further that every such notification shall, on the first available opportunity, be laid by the appropriate Government before Parliament or, as the case may be, before the Legislature of the State;

(*3*) "employee" means any person employed in any establishment to do any work for hire or reward, whether the terms of employment be express or implied, and includes any person who has been dismissed or discharged or whose work has ceased in connection with, or as a consequence of, a labour dispute or from whose dismissal or discharge a labour dispute has arisen; * * *

(*4*) "employer", in relation to any establishment, means a person who engages the services of another person to do any work for hire or reward in that establishment, and includes—

(*a*) any person who has the ultimate control of such establishment;

(*b*) in relation to any establishment carried on by or under the authority of any department of the Government, the authority prescribed in this behalf, or, where no authority is so prescribed, the head of the department;

(*c*) in relation to any establishment carried on by a local authority, the chief executive officer of that authority;

(*d*) in relation to any person employed in any establishment through any contractor or agent for the execution on the premises of the establishment concerned by or under such contractor or agent of the whole or any part of any work which is ordinarily part of the trade, business, manufacture or industry of the establishment, the person engaging the services of the contractor or agent;

(*5*) "establishment" means any unit of employment in any trade, business, manufacture, industry, service, calling, profession or other occupation or avocation, and includes any unit of employment under the authority of the * * * Government or a local authority or an association of persons, whether incorporated or not;

(6) "executive" means the body, by whatever name called, to which the management of the affairs of a trade union is entrusted;

(7) "Government employee" means a person who holds any civil post in connection with the affairs of the Union or a State;

(8) "Labour Court" means, in relation to a trade union, a Labour Court appointed by the appropriate Government under sub-section (1) of section 31;

(9) "labour dispute" means any dispute or difference between an employer on the one hand and one or more of his employees on the other, or between employees and employees, concerning--

(a) the employment or non-employment of any employee or class of employees; or

(b) the terms or conditions of employment of any employee or employees generally or any class of them; or

(c) the privileges, rights, duties or liabilities of the employer or of any employee or the employees generally or any class of them, whether or not there is a subsisting agreement between the employer and the employee or employees regarding all or any such matters,

and includes any dispute or difference which may arise on the dismissal of an employee or which relates to the reinstatement of such employee;

(10) "lock-out" means the closing of a place or part of a place of employment or the total or partial suspension of work by an employer or the total or partial refusal by an employer to continue to employ any group of his employees, where such closing, suspension or refusal by an employer occurs in consequence of a labour dispute and is intended for the purpose of compelling his employees, or of aiding another employer to compel his employees, to accept terms or conditions of, or affecting, employment;

(11) "officer", in the case of a trade union, includes any member of the executive thereof, but does not include an auditor;

(12) "prescribed" means prescribed by regulations made under this Act;

(13) "recognised trade union" means a trade union recognised under this Act;

(14) "registered office" means that office of a trade union which is registered under this Act as the head office thereof;

(15) "registered trade union" means a trade union registered under this Act;

(16) "Registrar" means a Registrar of trade unions appointed by the appropriate Government under section 3, and "the Registrar", in relation to any trade union, means the Registrar appointed for the State in which the head or registered office, as the case may be, of that trade union is situated;

(17) "strike" means a total or partial cessation of work by employees acting in combination, or a concerted refusal or a refusal under a common understanding, of any group of employees to continue to work where such cessation or refusal by the employees occurs in consequence of a labour

dispute and is intended for the purpose of compelling their employer or aiding the employees of any other establishment to compel their employer to accept terms or conditions of, or affecting, employment; "illegal strike" means a strike which by virtue of any law for the time being in force is illegal; and "irregular strike" means an illegal strike or a strike declared by a trade union in contravention of its rules referred to in clause (*d*) of sub-section (*1*) of section 33;

(*18*) "supervisor" means any person who, on behalf of the employer, has the authority to supervise the work of other employees, to direct them in the work to be done, to remedy their grievances, to recommend any action to be taken by the employer, or to transfer an employee from one department to another or to promote or reward an employee, or to discharge, suspend or otherwise punish an employee;

(*19*) "trade union" means any combination of employers or of employees, whether temporary or permanent, formed primarily for the purpose of regulating the relations between employees and employers or between employees and employees, or between employers and employers, or for imposing restrictive conditions on the conduct of any trade or business, and includes any federation of two or more trade unions:

Provided that this Act shall not affect—

(*i*) any agreement between partners as to their own business;

(*ii*) any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft;

(*20*) any reference to an enactment not in force in any Part B State shall, in relation to that State, be construed as a reference to the corresponding law in force in that State.

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CHAPTER II

Registration of Trade Unions

3. *Appointment of Registrars.*—The appropriate Government may appoint a person to be the Registrar of trade unions for each State.

4. *Application for registration.*—Any seven or more members of a trade union of whom not less than five shall be ordinary members may, by subscribing their names to the constitution and rules of the trade union and by otherwise complying with the provisions of this Act with respect to registration, apply for registration of the trade union under this Act.

5. *Mode of application.*—(*1*) Every application for registration of a trade union shall be made to the Registrar, and shall be accompanied by a copy of the constitution and rules of the trade union and a statement of the following particulars, namely:—

(*a*) the names, occupations and addresses of the members making the application;

(*b*) the name of the trade union and the address of its head office; and

(*c*) the * names, ages, addresses, designations and occupations of the offices of the trade union.

(*2*) Where a trade union has been in existence for more than one year before the making of an application for its registration, there shall be delivered to the Registrar, together with the application, a general statement of the assets and liabilities of the trade union prepared in such form and containing such particulars as may be prescribed.

6. *Conditions for registration of a trade union.*—A trade union shall not be entitled to registration under this Act, unless the executive thereof is constituted in accordance with the provisions of this Act, and the rules thereof provide for the following matters, namely :—

(*a*) the name of the trade union;

(*b*) * * the objects for which the trade union has been established;

(*c*) * * the purposes for which the general funds of the trade union may be applicable, all of which purposes shall be purposes to which such funds are lawfully applicable under this Act;

(*d*) the maintenance of a list of members of the trade union and adequate facilities for the inspection thereof by the officers and members of the trade union;

(*e*) the admission of ordinary members who shall be persons actually engaged or employed in any establishment or class of establishments with which the trade union is connected, and also the admission of the number of honorary or temporary members as officers referred to in section 24 to form the executive of the trade union:

Provided that no person shall be excluded from the membership of a trade union merely on grounds of sex, religion or caste:

Provided further that the provisions of this clause shall not apply in the case of a federation of trade unions;

(*f*) the conditions under which any member shall be entitled to any benefit assured by the rules and under which any fine or forfeiture may be imposed on the members;

(*g*) the rate of subscription payable by ordinary members which shall not be less than two annas per month, provided that in the case of employees employed in agriculture, cottage industries in rural areas, conservancy service or such other industries as may be notified in this behalf by the appropriate Government in the Official Gazette, a lower rate of subscription per annum may be prescribed;

(*h*) the circumstances (including default in payment of subscription for a specified period) in which the name of a member shall be removed from the list of members;

(*i*) the procedure for taking disciplinary action against members who go on strike without the sanction of the executive, or the majority of the members of the trade union, or who otherwise violate the rules of the trade union;

(*j*) the procedure for taking disciplinary action against officers who contravene the provisions of this Act or of the rules of the trade union;

(*k*) where the trade union consists, whether wholly or partly, of civil servants, the prohibition of its members from participating directly or indirectly in any form of political activity, and removal of the name of any member who takes part in any form of political activity from the list of its members;

(*l*) the manner in which the rules may be amended, varied or rescinded;

(*m*) the manner in which the members of the executive and the other officers of the trade union may, subject to the regulations made under this Act, be appointed and removed;

(*n*) the safe custody of the funds of the trade union, an annual audit, in such manner as may be prescribed, of the accounts thereof, and adequate facilities for the inspection of the account books by the officers and members of the trade union; and

(*o*) the manner in which the trade union may be dissolved and the funds, if any, on such dissolution may be distributed.

7. *Power to call for further particulars and to require alteration of name.*—(*1*) The Registrar may call for further information for the purpose of satisfying himself that any application complies with the provisions of section 5, or that the trade union is entitled to registration under section 6, and may refuse to register the trade union until such information is supplied.

(*2*) If the name under which a trade union is proposed to be registered is identical with that by which any other existing trade union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either trade union, the Registrar shall require the persons applying for registration to alter the name of the trade union stated in the application, and shall refuse to register the union until such alteration has been made.

8. *Registration.*—(*1*) Within three months of the date of the receipt of an application under section 5, the Registrar shall, after considering whether a trade union has complied with all the requirements of this Act in regard to registration, make an order in writing either directing the registration of the trade union or refusing such registration.

(*2*) On making an order under sub-section (*1*) directing the registration of a trade union, the Registrar shall register the trade union by entering in a register, to be maintained in such form as may be prescribed, the particulars relating to the trade union contained in the statement accompanying the application for registration.

9. *Certificate of registration.*—The Registrar, on registering a trade union under section 8, shall issue a certificate of registration in the prescribed form which shall be conclusive evidence that the trade union has been duly registered under this Act.

10. *Suspension or cancellation of registration.*—A certificate of registration of a trade union may be suspended or cancelled by the Registrar—

(*a*) on the application of the trade union to be verified in such manner as may be prescribed, or

(*b*) if the Registrar, either of his own motion or on receipt of a report from any Inspector appointed under this Act, is satisfied that—

(*i*) the rules of the trade union, registered before the commencement of this Act, have not been amended, within the time allowed by the Registrar, so as to provide for all the matters provision for which is required under section 6; or

(*ii*) the trade union has ceased to exist; or

(*iii*) the certificate has been obtained by fraud or mistake; or

(*iv*) the trade union has, wilfully and after notice from the Registrar, contravened any provision of this Act or of any regulation made thereunder or of any rule of the trade union or allowed any rule of the trade union to be continued in force which is inconsistent with this Act or any regulation made thereunder, or has rescinded any rule of the trade union providing for any matter provision for which is required by section 6; or

(*v*) the trade union has refused or failed to comply with any term of an order or award made by a court or tribunal, or of a settlement arrived at, or where the trade union is a certified bargaining agent, of a collective agreement concluded, under the Labour Relations Act, 1950; or

(*vi*) where the trade union consists, whether wholly or partly of civil servants, the trade union has refused or failed to remove the name of any member who has taken part in any political activity from the list of its members:

Provided that not less than two months' previous notice in writing specifying the grounds on which it is proposed to suspend or cancel the certificate shall be given by the Registrar to the trade union before the certificate is suspended or cancelled otherwise than on the application of the trade union:

Provided further that the certificate shall not be suspended or cancelled if the Registrar is satisfied that the grounds specified in the notice referred to in the first proviso have been removed before the expiry of two months from the date of notice.

11. *Appeal.*—(*1*) Any person aggrieved by any refusal of the Registrar to register a trade union or by the suspension or cancellation of a certificate of registration may, within such period as may be prescribed, prefer an appeal—

(*i*) to such court or authority as may be prescribed, or

(*ii*) where no such court or authority has been prescribed under clause (*i*),—

(*a*) to the High Court, if the head office of the trade union is situated within the limits of a presidency-town, or

(*b*) where the head office is situated in any other area, to such court, not inferior to the court of an additional or assistant judge of a principal civil court of original jurisdiction, as the appropriate Government may appoint in this behalf for that area.

(2) The appellate court or authority may dismiss the appeal, or pass an order directing the Registrar to register the trade union and to issue a certificate of registration under the provisions of section 9 or setting aside the order for suspension or cancellation of the certificate, as the case may be, and the Registrar shall comply with such order.

(3) For the purpose of an appeal under sub-section (1), an appellate court or authority shall, so far as may be, follow the same procedure and have the same powers as it follows and has when trying a suit under the Code of Civil Procedure, 1908 (V of 1908), and may direct by whom the whole or any part of the costs of the appeal shall be paid and such cost shall be recovered as if they had been awarded in a suit under the said Code.

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12. *Registered office.*—All communications and notices to a registered trade union may be addressed to its registered office, and notice of any change in the address of the head office shall be given within fourteen days of such change to the Registrar in writing, and the changed address shall be recorded in the register referred to in section 8.

13. *Incorporation of registered trade unions.*—Every registered trade union shall be a body corporate by the name under which it is registered, and shall have perpetual succession and a common seal with power to acquire and hold both moveable and immoveable property and to contract, and shall by the said name sue and be sued.

14. *Certain Acts not to apply to registered trade unions.*—The following Acts, namely, the Societies Registration Act, 1860 (XXI of 1860), the Co-operative Societies Act, 1912 (II of 1912), and the Indian Companies Act, 1913 (VII of 1913), shall not apply to any registered trade union, and the registration of any such trade union under any of the aforesaid Acts shall be void.

CHAPTER III

Rights and Liabilities of Registered Trade Unions

15. *Inspectors.*—(1) The appropriate Government may appoint as many Inspectors as may be necessary for inspecting the registered trade unions and for exercising such other functions as may be prescribed.

(2) An Inspector may be appointed for any specified area or for a specified class of trade unions.

16. *Maintenance of list of members, etc.*—Every registered trade union shall, in such form as may be prescribed, maintain—

(a) a list of members;

(b) a register showing particulars of subscription paid by every member;

(c) an account book showing the receipts and expenditure; and

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(*d*) a minute book for recording proceedings of the meetings of the executive of the trade union or of the general body or of other members of the trade union.

* * * * * *

17. *Objects on which general funds may be spent.*—The general funds of a registered trade union shall not be spent on any object other than the following, namely:—

(*a*) the payment of salaries, allowances and expenses to officers of the trade union;

(*b*) the payment of expenses for the administration of the trade union including audit of the accounts of the general funds of the trade union

(*c*) the prosecution or defence of any legal proceeding to which the trade union or any member thereof is a party, when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the trade union as such or any rights arising out of the relations of any member with his employer or with a person whom the member employs;

(*d*) the conduct of labour disputes on behalf of the trade union or any member thereof;

(*e*) the compensation of members for loss arising out of labour disputes;

(*f*) allowances to members or their dependants on account of death old age, sickness, accidents or unemployment of such members;

(*g*) the issue of, or the undertaking of liability under, policies of assurance on the lives of members, or under policies insuring members against sickness, accident or unemployment;

(*h*) the provision of educational, social or religious benefits for members (including the payment of the expenses of funeral or religious ceremonies for deceased members) or for the dependants of members;

(*i*) the upkeep of a periodical published mainly for the purpose of discussing questions affecting employers or employees as such;

(*j*) the payment, in furtherance of any of the objects on which the general funds of the trade union may be spent, of contributions to any cause intended to benefit employees in general, provided that the expenditure in respect of such contributions in any financial year shall not at any time during that year be in excess of one-fourth of the combined total of the gross income which has up to that time accrued to the general funds of the trade union during that year and of the balance at the credit of those funds at the commencement of that year; and

(*k*) subject to any conditions contained in the notification, any other object notified by the appropriate Government in the Official Gazette.

18. *Constitution of a separate fund for political purposes.*—(*1*) A registered trade union may constitute a separate fund, from contributions separately levied for or made to that fund, from which payments may be made, for the promotion of the civic and political interests of its members, in furtherance of any of the objects specified in sub-section (*2*):

Provided that where a trade union consists wholly of Government employees, no such separate fund shall be constituted;

Provided further that where a trade union consists partly of Government employees and partly of other employees, no contribution to such separate fund shall be levied from, or made by, any Government employee.

(2) The objects referred to in sub-section (1) are—

(a) the payment of any expenses incurred, either directly or indirectly, by a candidate or prospective candidate for election as a member of any legislative body constituted under the Constitution, or of any local authority, before, during or after the election in connection with his candidature or election; or

(b) the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or

(c) the maintenance of any member of a trade union who is a member of any legislative body constituted under the Constitution, or of any local authority; or

(d) the registration of electors or the selection of a candidate for any legislative body constituted under the Constitution, or for any local authority; or

(e) the holding of political meetings of any kind, or the distribution of political literature or political documents of any kind.

(3) No member shall be compelled to contribute to the fund constituted under sub-section (1); and a member who does not contribute to the said fund shall not be excluded from any benefits of the trade union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the trade union (except in relation to the control or management of the said fund) by reason of his not contributing to the said fund; and contribution to the said fund shall not be made a condition for admission to the trade union.

19. *Criminal conspiracy in labour disputes.*—No officer or member of a registered trade union shall be liable to punishment under sub-section (2) of section 120B of the Indian Penal Code (Act XLV of 1860), in respect of any agreement made between the members for the purpose of furthering any such object of the trade union as is specified in section 17, unless the agreement is an agreement to commit an offence.

20. *Immunity from civil suit in certain cases.*—(1) No suit or other legal proceeding shall be maintainable in any civil court against any registered trade union or any officer or member thereof in respect of any act done in contemplation or furtherance of a labour dispute * * * on the ground only that such act induces some other person to break a contract of employment, or that it is in interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or of his labour as he wills.

(2) A registered trade union shall not be liable in any suit or other legal proceeding in any civil court in respect of any tortious act done in contemplation or furtherance of a labour dispute by an agent of the trade union if it is proved that such person acted without the knowledge of, or contrary to express instructions given by, the executive of the trade union.

21. *Enforceability of agreements.*—Notwithstanding anything contained in any other law for the time being in force, an agreement between the members of a registered trade union shall not be void or voidable merely by reason of the fact that any of the objects of the agreement are in restraint of trade:

Provided that nothing in this section shall enable any civil court to entertain any legal proceeding instituted for the express purpose of enforcing or recovering damages or the breach of any agreement concerning the conditions on which any members of a trade union shall or shall not sell their goods, transact business, work, employ or be employed.

22. *Right to inspect books of trade union.*—The account books of a registered trade union and the list of members thereof shall be open to inspection by an officer or member of the trade union at such times as may be provided for in the rules of the trade union.

23. *Rights of minors to membership of trade unions.*—Any person who has attained the age of fifteen years may be a member of a registered trade union subject to any rules of the trade union to the contrary, and may, subject as aforesaid, enjoy all the rights of a member and execute all instruments and give all acquittances necessary to be executed or given under the rules:

Provided that no person who has not attained the age of eighteen years shall be an officer of any such trade union.

24. *Persons other than ordinary members as officers of trade unions.*—(1) Subject to any regulations made in this behalf by the Central Government, the number of persons, who, without being ordinary members of any registered trade union are entitled to be officers thereof, shall not exceed four or one-fourth of the total number of members of the executive of that trade union, whichever is less:

Provided that no such person shall be entitled to be an officer of a trade union unless he is a citizen of India:

Provided further that where a trade union consists, whether wholly or partly of civil servants, no person who is not an ordinary member thereof shall be entitled to be an officer of that trade union.

(2) Where a recognised trade union commits any unfair practice referred to in section 40 and the recognition of that trade union is withdrawn by order of a Labour Court under section 36, any person, who is an officer of that trade union without being an ordinary member thereof * * * shall be debarred from becoming an officer of that trade union or any other trade union for a period of three years from the date on which the order of the Labour Court is made.

25. *Change of name.*—Any registered trade union may, with the consent of not less than two-thirds of the total number of its members and subject to the provisions of section 27, change its name.

26. *Amalgamation of trade unions.*—Any two or more registered trade unions may become amalgamated together as one trade union with or without dissolution or division of the funds of such trade unions or either or any of them; provided that the votes of at least one-half of the members of each or

every such trade union entitled to vote are recorded, and that at least sixty per cent of the votes recorded are in favour of the proposal.

27. *Notice of change of name or amalgamation.*—(*1*) Notice in writing of every change of name and of every amalgamation, signed, in the case of a change of name, by the Secretary and by seven members of the trade union changing its name, and, in the case of an amalgamation, by the Secretary and by seven members of each and every trade union which is a party thereto, shall be sent to the Registrar, and where the head office of the amalgamated trade union is situated in a different State, to the Registrar of such State.

(*2*) If the proposed name is identical with that by which any other existing trade union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either trade union, the Registrar shall refuse to register the change of name.

(*3*) Save as provided in sub-section (*2*), the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been compiled with register the change of name in the register referred to in section 8 and the change of name shall have effect from the date of such registration.

(*4*) The Registrar of the State in which the head office of the amalgamated trade union is situated shall, if he is satisfied that the provisions of this Act in respect of amalgamation have been compiled with and that the trade union formed thereby is entitled to registration under section 6, register the trade union in the manner provided in section 8, and the amalgamation shall have effect from the date of such registration.

28. *Effects of change of name and of amalgamation.*—(*1*) The change in the name of a registered trade union shall not affect any rights or obligations of the trade union or render defective any legal proceeding by or against the trade union, and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name.

(*2*) An amalgamation of two or more registered trade unions shall not prejudice any right of any of such unions or any right of a creditor of any of them.

29. *Dissolution.*—(*1*) When a registered trade union is dissolved, notice of the dissolution signed by seven members and by the secretary of the trade union shall, within fourteen days of the dissolution, be sent to the Registrar, and shall be registered by him if he is satisfied that the dissolution has been effected in accordance with the rules of the trade union, and the dissolution shall have effect from the date of such registration.

(*2*) Where the dissolution of a registered trade union has been registered and the rules of the trade union do not provide for the distribution of funds of the trade union on dissolution, the Registrar shall divide the funds amongst the members in such manner as may be prescribed.

30. *Returns.*—(*1*) There shall be sent annually to the Registrar, on or before such date as may be prescribed, a general statement, audited in the prescribed manner, of all receipts and expenditure of every registered trade union during the year ending on the 31st day of March next preceding such prescribed date, and of the assets and liabilities of the trade union existing on such 31st day of March and the statement shall be prepared in such form and shall comprise such particulars as may be prescribed.

(*2*) Together with the general statement there shall be sent to the Registrar a list of members of the trade union and a statement showing to which federation of trade unions, if any, that trade union is affiliated, and all changes of officers made by the trade union during the year to which the general statement refers, together also with a copy of the rules of the trade union corrected up to the date of the despatch thereof to the Registrar.

(*3*) A copy of every alteration made in the rules of a registered trade union shall be sent to the Registrar within fifteen days of the making of the alteration.

(*4*) Where a registered trade union changes its affiliation from one federation of trade unions to another, it shall, within fifteen days of making such change, furnish that information to the Registrar.

(*5*) Every registered trade union shall submit to the Registrar, at the prescribed time and in the prescribed manner, such other returns or information in relation to that trade union as may be prescribed.

CHAPTER IV

Recognition of Trade Unions

31. *Constitution, powers and procedure of Labour Courts.*—(*1*) The appropriate Government may constitute as many Labour Courts, as it considers necessary, for the purpose of recognising trade unions and discharging such other functions as may be assigned to them by or under this Act and where Labour Courts have been constituted under the Labour Relations Act, 1950, such Courts may be vested with all the powers of Labour Courts under this Act.

(*2*) A Labour Court shall be presided over by a person, appointed by the appropriate Government, who—

(*a*) is, or has been, a member of the judicial service in a State, or

(*b*) is, or has been, a member of an executive service in a State having not less than two years' experience in dealing with matters regulating the relationship between employers and employees, or

(*c*) is qualified for appointment as a member of judicial service:

Provided that the maximum age limit, if any, applicable to the appointment of a member of such service shall not apply to any appointment under this section:

Provided further that no appointment under this section shall be made except with the approval of the High Court of the State in which the Labour Court has, or is intended to have, its usual seat.

(3) A Labour Court shall have all the powers of a civil court for the purposes of receiving evidence, administering oaths, enforcing the attendance of witnesses, and requiring the discovery and production of documents, and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

(4) The proceedings of Labour Courts shall be regulated and conducted in such manner as may be prescribed.

32. *Recognition by agreement.*—(1) Subject to the provisions of this section, an employer may recognise one or more registered trade unions.

(2) Where an employer agrees to recognise a registered trade union, a memorandum of agreement signed by the employer and the officers of the trade union, or their authorised representatives, may be presented to the Registrar who shall record the memorandum in a register in the prescribed manner.

(3) Such an agreement may be revoked by either party thereto on application made to the Registrar in the prescribed manner.

(4) While such an agreement is in force, the trade union shall, in its relations with the employer with whom the agreement is made, have all the rights of a recognised trade union under this Act, and shall for all other purposes be deemed to be a recognised trade union.

(5) A trade union consisting of civil servants shall not be recognised by the appropriate Government, if it does not consist wholly of civil servants or if such trade union is affiliated to a federation of trade unions to which a trade union consisting of members other than civil servants is affiliated.

(6) A trade union shall not be recognised by an employer in relation to any hospital or educational institution if it does not consist wholly of employees of any hospital or educational institution, as the case may be.

(7) A trade union consisting partly of supervisors and partly of other employees, or partly of the watch and ward staff and partly of other employees, shall not be recognised by an employer.

33. *Conditions for recognition by order of a Labour Court.*—(1) Subject to the provisions of this section and sub-sections (5), (6) and (7) of section 32, a trade union shall be entitled to recognition by order of a Labour Court under section 34 if it fulfils the following conditions, namely:—

(a) that it is a registered trade union, and that it has complied with all the provisions of this Act;

(b) that all its ordinary members are employees in the same establishment or class of establishments;

(c) that it is representative of all the employees or any particular class of employees employed by the employer in that establishment or class of establishments;

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(d) that its rules provide for the procedure for declaring a strike and in particular, provision is made that no strike shall be declared until the majority of the members of the trade union have, by secret ballot held in such manner as may be prescribed, decided in favour of such a strike;

(*e*) that its rules provide that a meeting of its executive shall be held at least once in every three months :

Provided that the reference in clause (*c*) to the employer shall, as respects recognition by an association of employers, be construed as a reference to all the employers who are members of the association :

Provided further that the provisions of clause (*d*) shall not apply to a trade union consisting wholly of civil servants.

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(*2*) Where application for recognition is made under section 34 by more than one registered trade union, the trade union having the largest membership shall have preference to other trade unions.

34. *Application to, and grant of recognition by, Labour Courts.*—(*1*) Where a registered trade union having applied for recognition to an employer has failed to obtain recognition within a period of three months from the date of making such application, it may apply in writing, setting out such particualrs as may be prescribed, to the Labour Court for recognition by that employer.

(*2*) A single application may be made under sub-section (*1*) for recognition—

(*a*) by more than one employer, or

(*b*) by an association of employers as well is one or more members thereof.

(*3*) The Labour Court may call for further information for the purpose of ascertaining whether the trade union is entitled to recognition by the employer under this section, and if the trade union fails to supply the required information within the time granted, the Labour Court may dismiss the application.

(*4*) The Labour Court shall, after serving notice in the prescribed manner on the employer, investigate whether the trade union fulfils the conditions for recognition set out in section 33 and sub-sections (*5*), (*6*) and (*7*) of section 32, and in deciding whether the trade union is a representative one under clause (*c*) of sub-section (*1*) of section 33, the Labour Court shall have regard to the rules that may be made in this behalf to determine the representative character of a trade union either generally or in respect of any particular establishment or class of establishments.

(*5*) If the Labour Court is satisfied that the trade union is fit to be recognised by the employer, it shall make an order directing such recognition and may, where the recognition is to be by an association of employers, further direct, by the same or a subsequent order, recognition by every member of the association in relation to whom the trade union fulfils the condition set out in clause (*c*) of sub-section (*1*) of section 33.

(*6*) Every order made under sub-section (*5*) shall be forwarded to the appropriate Government which shall notify it in the Official Gazette, and while a recognition directed by such order is in force, the trade union shall, in its relations with the employer concerned, have all the rights of a recognised trade union under this Act and shall for all other purposes be deemed to be a recognised trade union.

35. *Rights of recognised trade unions.*—(*1*) The executive of a recognised trade union or its authorised representatives are entitled to negotiate with employers in respect of matters connected with the employment or non-employment or the terms of employment or the conditions of labour of all or any of its members, and the employer shall receive and send replies to letters sent by the executive on, and grant interviews to that body regarding, such matters.

(*2*) Nothing in sub-section (*1*) shall be construed as requiring an employer to send replies to letters on, or grant interviews regarding, matters on which, as a result of previous discussion with the executive of the trade union, the employer has arrived at a conclusion, whether in agreement with the executive or not, unless a period of at least three months in the case of an agreed conclusion or of one month in any other case has elapsed, since the said conclusion was intimated to the executive, or unless there has been a change in the circumstances.

(*3*) Any dispute between the employer and the executive of a recognised trade union as to whether a conclusion has been arrived at, or whether there has been a change in the circumstances, within the meaning of sub-section (*2*), may be referred to the Registrar whose decision shall be final.

(*4*) The executive of a recognised trade union or such officers thereof as may be authorised by rules made in this behalf by the appropriate Government shall, in such manner and subject to such conditions as may be prescribed, have a right, and shall be permitted by the employer concerned—

(*a*) to collect sums payable by members to the trade union on the premises where wages are paid to them;

(*b*) to put up, or cause to be put up, a notice board on the premises of the establishments in which its members are employed and affix or cause to be affixed, notices thereon;

(*c*) for the purpose of the prevention or settlement of any labour dispute,—

(*i*) to hold discussions on the premises of the establishment with the employees concerned who are members of the trade union;

(*ii*) to inspect, if necessary, in any establishment any place where any member of the trade union is employed.

36. *Withdrawal of recognition.*—(*1*) Where the recognition of a trade union has been directed under section 34, the Registrar or the employer may apply in writing to the Labour Court for withdrawal of the recognition on any of the following grounds, namely:—

(*a*) that the executive or a majority of the members of the trade union have committed any unfair practice set out in section 40 within three months prior to the date of the application;

(*b*) that the trade union has failed to submit any return referred to in section 38;

(*c*) that the trade union has ceased to be representative of the employees referred to in clause (*c*) of sub-section (*1*) of section 33;

(*d*) that the certificate of registration of the trade union has been suspended or cancelled by the Registrar under section 10.

(2) On receipt of an application under sub-section (1), the Labour Court shall, unless it thinks fit to dismiss the application summarily, serve notice in the prescribed manner on the trade union to show cause why its recognition should not be withdrawn.

(3) If after giving a reasonable opportunity to the trade union to show cause, the Labour Court is satisfied that the trade union is no longer fit to be recognised, it shall make an order declaring that the recognition of the trade union has been withdrawn, and forward a copy of the order to the appropriate Government who shall notify it in the Official Gazette.

37. *Application for fresh recognition.*—On the expiry of not less than three months from the date of withdrawal of recognition of a trade union under sub-section (3) of section 36, the trade union may again apply for recognition, and the procedure laid down in this Act shall apply in respect of such application as if it were an original application for recognition.

38. *Recognised trade unions to submit prescribed returns.*—Every trade union recognised under section 34, shall submit to the Registrar at the prescribed time and in the prescribed manner such returns, in addition to those referred to in section 30, as may be prescribed.

CHAPTER V

Unfair Practices

39. *Application of Chapter.*—The provisions of this Chapter shall not apply to a recognised trade union of civil servants.

40. *Unfair practices by recognised trade unions.*—The following shall be deemed to be unfair practices on the part of a recognised trade union, namely :—

(a) for a majority of the members of the trade union to take part in an irregular strike ;

(b) for the executive of the trade union to advise or actively to support or to instigate an irregular strike ;

(c) for an officer of the trade union to submit any return required by or under this Act containing false statements as to any material fact ;

(d) for the executive of the trade union to refuse to enter into negotiations with the employer as provided for in section 35 or in Chapter IV of the Labour Relations Act, 1950, or if the trade union is a certified bargaining agent, as defined in the Labour Relations Act, 1950, to refuse to bargain collectively with the employer as provided for in Chapter V of that Act.

41. *Unfair practices by employers.*—The following shall be deemed to be unfair practices on the part of an employer, namely :—

(a) to interfere with, restrain, or coerce his employees in the exercise of their rights to organise, form, join or assist a trade union and to engage in concerted activities for the purpose of mutual aid or protection ;

(*b*) to interfere with the formation or administration of any trade union;

(*c*) to discharge or otherwise discriminate against, any officer of a recognised trade union because of his being such officer;

(*d*) to discharge or otherwise discriminate against any employee because he has made allegations or given evidence in any inquiry or proceeding relating to any matter such as is referred to in sub-section (*1*) of section 35:

Provided that nothing in this clause shall apply to any such discharge or discrimination if the employer can prove that the allegation made or the evidence given by the employee was false, or that the employee knew or had reason to believe such allegation or evidence to be false;

(*e*) to fail to comply with the provisions of section 35;

(*f*) to declare an illegal lock-out;

(*g*) to refuse to enter into negotiations with his employees as provided for in section 35 or in Chapter IV of the Labour Relations Act, 1950, or, where there is a certified bargaining agent, to refuse to bargain collectively with such agent as provided for in Chapter V of that Act:

Provided that the refusal of an employer to permit his employees to engage in trade union activities during their hours of work shall not be deemed to be an unfair practice on his part.

CHAPTER VI

PENALTIES

42. *Penalty for failure to submit returns.*—If default is made on the part of any registered or recognised trade union in giving any notice or sending any statement, return or other document as required by or under any provision of this Act, every officer or other person bound by the rules of the trade union to give or send the same, or, if there is no such officer or person, every member of the executive of the trade union, shall be punishable with fine which may extend to five rupees and, in the case of a continuing default, with an additional fine which may extend to five rupees for each week after the first during which the default continues:

Provided that the aggregate fine shall not exceed fifty rupees.

43. *Penalty for false returns.*—Any person who wilfully makes, or causes to be made, any false entry in, or any omission from, the general statement required by section 30, or in or from any copy of rules or alterations of rules sent to the Registrar under that section or in or from any return referred to in section 33 shall be punishable with fine which may extend to five hundred rupees.

44. *Penalty for supplying false information regarding trade unions.*—Any person who with intent to deceive, gives to any member of a registered trade union or to any person intending or applying to become a member of such trade

union any document purporting to be a copy of the rules of the trade union or of any alterations to the same which he knows, or has reason to believe to be not a correct copy of such rules or alterations as are for the the time being in force, or any person who with the like intent gives a copy of any rules of an unregistered trade union to any person on the pretence that such rules are the rules of a registered trade union, shall be punishable with fine which may extend to two hundred rupees.

45. *Penalty for unfair practices.*—Any employer who commits any unfair practice set out in section 41 shall, on conviction, be punishable with fine which may extend to one thousand rupees, and shall, on any subsequent conviction, be punishable with fine which may extend to three thousand rupees, and the court trying the offence, if it fines the offender, may direct that the whole or any part of the fine realised from him shall be paid, by way of compensation, to any person who, in its opinion, has suffered loss or injury caused by such unfair practice.

CHAPTER VII

MISCELLANEOUS

46. *Power of the Labour Court in election petitions.*—(*1*) Where an election of the members of the executive or other officers of a trade union is held in contravention of the prescribed regulations or the rules of that trade union, the Registrar or any member of that trade union may file an application to the Labour Court for setting aside such election on the ground that there has been a contravention of such regulations or rules or that there has been an irregularity in, or in connection with, that election.

(*2*) The Labour Court shall, after giving all the parties interested in the application filed under sub-section (*1*) an opportunity of being heard, pass such orders as it may deem fit.

(*3*) Without prejudice to the generality of the foregoing power, the Labour Court may, if it finds that there has been a contravention of the prescribed regulations or the rules of the trade union or that an irregularity has occurred, pass an order setting aside an election and—

(*a*) directing that a fresh election be held in accordance with the prescribed regulations and the rules of the trade union, or

(*b*) directing another person to have been duly elected.

(*4*) The Labour Court shall not pass any order under sub-section (*3*) unless it is satisfied that, having regard to the contravention made, or the irregularities found and the other circumstances of the case, the result of the election has been affected by such contravention or irregularities.

47. *Cognizance of offences.*—(*1*) No court shall take cognizance of any offence punishable under this Act save on complaint made by or under the authority of the Inspector or, in the case of an offence under section 44, by the person to whom the copy was given, within six months of the date on which the offence is alleged to have been committed.

(2) No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.

48. *Power to give directions.*—The Central Government may give directions to a State Government as to the carrying into execution of the provisions of this Act.

49. *Act not to apply to Armed Forces, etc.*—Nothing in this Act shall apply to the members of the Armed Forces or the police forces.

50. *Power to make regulations.*—(1) The Central Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make regulations for the purpose of carrying into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :—

(a) the manner in which trade unions may be registered and the fees payable on registration;

(b) the holding of election of members of the executive or other officers of the trade union and the manner in which petitions for setting aside elections may be made and disposed of; * * *

(c) admission of persons who, without being ordinary members, are entitled to be officers of a trade union;

(d) the transfer of registration in the case of any registered trade union which has changed its head office from one State to another;

(e) the manner in which, and the qualifications of persons by whom, the accounts of a registered trade union or of any class of such trade unions may be audited;

(f) the conditions subject to which inspection of documents kept by Registrars may be allowed and the fees which shall be chargeable in respect of such inspections;

(g) any other matter which has to be, or may be, prescribed.

51. *Power to make rules.*—(1) A State Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules, not inconsistent with this Act and the regulations made thereunder, for the purpose of carrying into effect the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters specified in sub-section (2) of section 50.

(3) If any rule made under this section is repugnant to any regulations made under section 50, the regulation, whether made before or after the making of the rule, shall prevail and the rule to the extent of the repugnancy be inoperative.

52. *Repeals and savings.*—(*1*) The Indian Trade Unions Act, 1926 (XVI of 1926), and the Indian Trade Unions (Amendment) Act, 1947 (XLV of 1947), which has not come into force, are hereby repealed.

(*2*) If, immediately before the commencement of this Act, there is in force in any of the Part B States any law corresponding to the Indian Trade Unions Act, 1926, such corresponding law is hereby repealed:

Provided that section 6 of the General Clauses Act, 1897 (X of 1897), shall apply to such repeal as if the corresponding law had been an enactment.

The following Bills were introduced in Parliament on the 11th December, 1950:—

BILL NO. 101 OF 1950

A Bill to make temporary provisions for the payment of moneys in the State Railway Provident Fund to dependants of deceased displaced persons.

BE it enacted by Parliament as follows:—

1. *Short title, extent and duration.*—(*1*) This Act may be called the State Railway Provident Fund (Temporary Provisions) Act, 1950.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall cease to have effect on the 31st day of December, 1952, save as respects things done or omitted to be done before that date.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) "Accounts Officer" means the Financial Adviser and Chief Accounts Officer of a railway administration and includes such other officer as may be appointed in this behalf by the Financial Commissioner, Railways;

(*b*) "dependant" means any of the following relatives of a deceased subscriber to, or a depositor in, the State Railway Provident Fund who was a displaced person, namely:—

wife, husband, child and a deceased son's widow and child;

(*c*) "displaced person" means a person employed under the North-Western railway administration or the Bengal and Assam railway administration before the 15th day of August, 1947, who, on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan,—

(*i*) was displaced from, or left his place of residence in, such area after the 1st day of March, 1947, or

(*ii*) opted for employment in any area now forming part of India, or

(*iii*) did not opt for employment in any area now forming part of Pakistan;

(*d*) "State Railway Provident Fund" means the Provident Fund as constituted under the State Railway Provident Fund Rules.

3. *Application of the Provident Funds Act, 1925.*—The provisions of this Act shall have effect notwithstanding any provisions inconsistent therewith contained in the Provident Funds Act, 1925 (XIX of 1925), but shall not be in derogation of any of the other provisions of that Act.

4. *Repayment of State Railway Provident Fund moneys in certain cases.*—(*1*) Where, in the case of any deceased displaced person, the Accounts Officer is satisfied, after such inquiry as may be prescribed, that any nomination made by the deceased displaced person in respect of any sum standing to his credit in the State Railway Provident Fund has been lost or is not readily available and that the terms of that nomination cannot be proved otherwise, he shall pay the sum so standing to his credit to his dependants in equal shares:

Provided that no share shall be payable to—

(*a*) sons or sons of a deceased son who have attained majority,

(*b*) married daughters whose husbands are alive, and

(*c*) married daughters of a deceased son whose husbands are alive,

if there are any other dependants, and the share which a dependant would otherwise have taken if not disqualified under this proviso shall be divided among the other dependants in equal shares:

Provided further that the widow and the children of a deceased son shall take between them in equal parts the share which that son would have taken, if he had survived the subscriber and had not attained majority at the time of the subscriber's death.

(*2*) If there are no dependants, any such sum as is specified in sub-section (*1*) shall be payable,—

(*a*) if the sum does not exceed five thousand rupees, to any person appearing to the Accounts Officer, after such inquiry as may be prescribed, to be entitled to receive it;

(*b*) if the sum exceeds five thousand rupees, to any person on production by such person of probate or letters of administration or succession certificate entitling him to receive payment of such sum.

5. *Discharge on payment.*—The making of a payment authorised by the provisions of this Act shall be a full discharge to the Central Government and to the railway administration concerned from all liability in respect of the sum so paid:

Provided that nothing contained in this Act shall prevent any person claiming under a nomination or declaration made by a deceased displaced person from establishing in a court the right which he claims and following the money into the hands of the persons who have received payment thereof under the provisions of this Act.

6. *Penalty for false statements.*—Any person who, for the purpose of obtaining any payment under the provisions of this Act, makes a declaration or statement which is false or which he either knows or has reason to believe to be false or does not believe to be true shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

7. *Bar of jurisdiction.*—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under the provisions of this Act.

8. *Power to make rules.*—The Central Government may make rules to carry out the purposes of this Act, and, in particular, for—

(*i*) regulating the manner in which any inquiry may be made by the Accounts Officer;

(*ii*) requiring security to be furnished by any person before payment of any sum is made to him under the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Under section 5 of the Provident Funds Act, 1925, the provident fund accumulations of a subscriber in the event of his death, become payable to the person nominated by him. In case no nomination exists, the rules of the State Railway Provident Fund provide for the payment of the accumulations to the members of the subscriber's 'family' in equal shares.

2. Owing to civil disturbances that preceded and followed the partition of the country, the records relating to the State Railway Provident Fund of the India-opting and evacuee Railway staff were left in Pakistan. It was hoped that in implementation of decisions reached in the inter-Dominion conference held in December 1948 on the subject, the records would be transferred at an early date, but the arrangements so far made have not yielded very satisfactory results. Consequently, it has not yet been possible to settle the accounts of those deceased subscribers whose records have not been received from Pakistan. At present there seems little likelihood of all such records being received from Pakistan in the near future and any further postponement in the payment of provident fund accumulations is bound to accentuate hardship to the dependants of the deceased. It is now proposed to relax the provisions of section 5 of the Provident Funds Act, so as to authorise the railway administrations to make payments to the dependants of the deceased employees in whose case nomination papers have not been received from Pakistan.

3. The proposed Bill which purports to achieve the above end is a temporary expedient and will be in force only up to 31st December, 1952 by which date, it is hoped to settle the provident fund accounts of all the subscribers concerned.

N. GOPALASWAMI

NEW DELHI;
The 30th November, 1950

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BILL No. 99 OF 1950

A Bill to provide, in pursuance of a resolution under article 249 of the Constitution, for the control of prices of certain goods, and the supply and distribution thereof.

BE it enacted by Parliament as follows :—

1. *Short title and extent.*—(*1*) This Act may be called the Supply and Prices of Goods Act, 1950.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

2. *Definitions.*—(*1*) In this Act, unless the context otherwise requires,—

(*a*) "dealer" means a person carrying on the business of selling any goods, whether wholesale or retail;

(*b*) "goods" means goods to which this Act applies;

(*c*) "notified order" means an order notified in the Official Gazette;

(*d*) "offer for sale" includes an intimation by a person of the price proposed by him for a sale of any goods made by the publication of a price list, by exposing his goods for sale in association with a mark indicating price, by the furnishing of a quotation or otherwise howsoever;

(*e*) "prescribed" means prescribed by rules made under this Act;

(*f*) "producer" includes a manufacturer;

(*2*) A person shall be deemed to be in possession of goods—

(*i*) when they are held on behalf of that person by another person;

(*ii*) notwithstanding that they are mortgaged to another person.

3. *Goods to which this Act applies.*—Subject to the other provisions contained herein, this Act applies to the goods specified in the Schedule and to such other goods as the Central Government may, by notified order, specify in this behalf.

4. *Fixing of maximum prices and maximum quantities which may be held or sold.*—(*1*) The Central Government may, by notified order, fix in respect of any goods—

(*a*) the maximum price or rate which may be charged by a dealer or producer;

(*b*) the maximum quantity which may at any one time be possessed by a dealer or producer;

(*c*) the maximum quantity which may in one transaction be sold to any person.

(*2*) Any such order may—

(*a*) fix maximum prices or rates and maximum quantities for the same description of goods differently in different localities or for different classes of dealers or producers;

(*b*) instead of specifying the maximum price or rate to be charged, direct that that price or rate shall be computed in such manner and by reference to such matters as may be provided by the order.

5. *Restrictions on possession and sale by dealers and producers where maximum is fixed under section 4.*—(*1*) No dealer or producer shall—

(*a*) sell or agree to sell or offer for sale to any person any goods for a price or at a rate exceeding the maximum fixed under clause (*a*) of sub-section (*1*) of section 4;

(*b*) have in his possession at any one time a quantity of any goods exceeding the maximum fixed under clause (*b*) of sub-section (*1*) of section 4, unless he has reported the fact of such possession to the Central Government or to the officer appointed in that behalf as required by section 7; or

(*c*) sell or agree to sell or offer for sale to any person in any one transaction a quantity of any goods exceeding the maximum fixed under clause (*c*) of sub-section (*1*) of section 4.

(*2*) Where any goods are sold, agreed to be sold or offered for sale in cotravention of sub-section (*1*) by a dealer or producer through any person employed by him or acting on his behalf, such person and also, unless he proves that he exercised due diligence to prevent such contravention, the dealer or producer, as the case may be, shall be liable to the punishment provided by sub-section (*1*) of section 14.

(*3*) Where a dealer or producer disposes of any goods by having them sold by auction on his behalf, the auctioneer, as well as the dealer or producer, shall be liable to the punishment provided by sub-section (*1*) of section 14, if in any such sale there is a contravention of clause (*c*) of sub-section (*1*).

6. *General limitation of quantity which may be possessed at any one time.*—(*1*) No person shall have in his possession at any one time a greater quantity of any goods to which this section applies than the quantity necessary for the reasonable needs of himself and his family for the prescribed period, unless he has reported the fact of such possession to the Central Government or to the officer appointed in that behalf as required by section 7:

Provided that nothing contained in this sub-section shall apply—

(*a*) to a dealer in respect of any goods sold or purchased by him in the course of his business, or

(*b*) to a producer in respect of any goods produced by him.

(*2*) For the purposes of this section, the Central Government may prescribe the circumstances and matters which shall be taken into account in determining the reasonable needs of any person, and may prescribe different periods for different areas or for different classes of goods.

(*3*) Notwithstanding anything contained in section 3, this section shall apply only to such goods as the Central Government may, by notified order, specify in this behalf.

7. *Duty to declare possession of excess stocks.*—Any person having in his possession a quantity of any goods exceeding that permitted by or under this Act shall forthwith report the fact to the Central Government or to

any officer appointed by it in this behalf and shall take such action as to the storage, distribution or disposal of the excess quantity as may be prescribed or as the Central Government or such officer may direct.

8. *Holding of stocks.*—(*1*) If any dealer has in his possession in the course of his business a stock of any goods and the said dealer or any person employed by him to sell goods in the course of his business, when asked by any other person (hereafter in this section referred to as "the buyer") to sell goods of that description or whether he or his employer has such goods for sale—

(*i*) refuses to sell the goods, or denies that he or his employer has the goods, or by words or conduct intentionally causes the buyer to believe that he or his employer has not got the goods or will not or cannot sell them, or

(*ii*) offers to sell the goods subject to a condition requiring the buying of any other goods or subject to any other condition except the condition that the buyer shall pay the price forthwith or take delivery within a reasonable time,

the dealer carrying on the business shall be guilty of an offence under this Act.

(*2*) It shall be a defence for a person charged with any such offence to prove that the sale of the goods or the sale thereof without the fulfilment of the condition proposed by him, would, having regard to the quantity of goods which he or that person was requested to sell or any other consideration—

(*a*) be contrary to the normal practice of his business; or

(*b*) involve a breach of some obligation lawfully binding on him; or

(*c*) interfere with arrangements made by him for an orderly disposal of his stock among his regular customers.

9. *Cash memorandum to be given of certain sales.*—(*1*) Every dealer or producer, when selling goods for cash shall, if the amount of the purchase is rupees ten or more, in all cases, and if the amount of the purchase is less than rupees ten, when so required by the purchaser, give to the purchaser a cash memorandum containing particulars of the transaction.

(*2*) The Central Government may prescribe the particulars to be contained in any such cash memorandum.

(*3*) Notwithstanding anything contained in section 3, this section shall apply to all goods, whether they are goods to which this Act applies within the meaning of that section or not, but the Central Government may, by notified order, exempt specified areas, classes of dealers or producers or classes of goods from the operation of this section.

10. *Marking of prices and exhibiting price lists and stocks.*—(*1*) The Central Government may direct dealers or producers in general, or any dealer or producer or class of dealers or producers in particular, to mark goods exposed or intended for sale with the sale prices or to exhibit at some easily accessible place on the premises price lists of goods held for sale and also to similarly exhibit on the first day of every month, or at such other intervals as may be prescribed, a statement of the total quantities of any such goods held in stock, and may further give directions as to the manner in which any such direction as aforesaid is to be carried out.

(*2*) No dealer shall destroy or efface, or alter or cause to be destroyed, effaced or altered, any label or mark affixed—

(*a*) to any goods in pursuance of a direction under sub-section (*1*) or

(*b*) to any goods and indicating the price marked by a producer.

(*3*) Notwithstanding anything contained in section 3, the Central Government may, by notified order, declare that the provisions of this section shall also apply to any goods other than those to which this Act applies within the meaning of that section.

11. *Obligation to state prices separately on composite offer.*—Where a dealer or producer makes an offer to enter into a transaction for a consideration to be given as a whole in respect of both of a sale of any goods and of some other matter, the dealer or producer making the offer shall state in writing the price which he assigns to the goods, if he is required so to do by any person to whom the offer is made, and the offer shall be deemed for the purposes of this Act to be offered to sell the goods at the price so stated.

12. *Prohibition of closure of shops.*—No dealer in any goods shall keep his shop closed with the intention of avoiding the regular sale of such goods and thereby obtaining a higher price for the goods at a later date.

13. *Power to regulate production and distribution of goods.*—The Central Government may, by general or special order,—

(*a*) prohibit the disposal of any goods except in such circumstances and under such conditions as may be specified in the order;

(*b*) direct the sale of the whole or a specified part of the stock of any goods at such prices and to such persons or class of persons or in such circumstances as may be specified in the order;

(*c*) regulate by licences, permits or otherwise the production, supply, storage, transport, distribution, use or consumption of any goods.

14. *Penalties.*—(*1*) Any person who contravenes any of the provisions of this Act, or of any orders or rules made thereunder, shall, if no other punishment is specified therefor in this Act, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both:

Provided that where the person is guilty of an offence under section 8, the court shall sentence him to imprisonment for a term which may extend to three years, and may in addition impose a sentence of fine.

(*2*) Any person who fails to comply with any directions made under authority conferred by this Act shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(3) A court convicting any person of an offence punishable under this ct may order that the goods in respect of which the offence has been comitted or specified part thereof shall be forfeited to the Government.

15. *Offences by Corporations.*—(1) Where any person, contravening any f the provisions of this Act or of any order or direction made thereunder a company or other body corporate, every person, who, during the relevant eriod, was in charge of, and was responsible to the company or other body orporate during that period for the conduct of the business of the establishent in or in relation to which the contravention has taken place, as well s the company or other body corporate, shall be deemed to be guilty of uch contravention and shall be liable to be proceeded against and punished ccordingly :

Provided that nothing contained in this sub-section shall render any erson so in charge or responsible liable to any punishment provided in this ct, if he proves that the contravention took place without his knowledge or hat he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where any ffence under this Act or any order or direction made thereunder has been ommitted by a company or other body corporate and it is proved that the ffence has been committed with the consent or connivance of, or is attriutable to any neglect on the part of, any director, manager, secretary or ther officer of the company or other body corporate, such director, manager, ecretary or other officer shall also be deemed to be guilty of that offence nd shall be liable to be proceeded against and punished accordingly.

16. *Powers of search and seizure.*—(1) For the purpose of enforcing the rovisions of this Act, the Central Government may, by general or special rder, authorise any officer not below the rank of an inspector of police—

(a) to enter and search any premises, vehicles, vessels or aircraft occupied for the purpose of the business in any goods or where any such goods may be found ;

(b) to seize any goods in respect of which he has reason to believe that an offence under this Act has been committed and thereafter to take all such measures as may be necessary for securing the production of such goods in court.

(2) If any person obstructs an officer in the exercise of the powers conerred upon him by this section he shall be punishable with imprisonment hich may extend to six months, or with fine, or with both.

17. *Procedure.*—No offence punishable under this Act shall be inquired nto by any person below the rank of an inspector of police and no prosecuion for any such offence shall be instituted except with the previous sancion of the Central Government or of an officer not below the rank of a district nagistrate empowered by the Central Government to grant such sanction.

18. *Summary trials.*—(1) Notwithstanding anything contained in secion 260 of the Code of Criminal Procedure, 1898 (Act V of 1898), a magisrate empowered to act under that section may try any offence punishable nder this Act in a summary way under the provisions of Chapter XXII f the said Code, and shall so try any such offence unless he is of opinion

that in the event of the offence being proved a sentence which he is empowered under that Chapter to impose would be insufficient.

(2) Notwithstanding anything contained in section 362 of the said Code a presidency magistrate trying an offence punishable under this Act shall not record the evidence or frame a charge unless he is of opinion that in the event of the offence being proved a sentence against which, in accordance with the provisions of sections 404 and 411 of the said Code no appeal lies, would be insufficient:

Provided that, where at any subsequent stage of a trial commenced in accordance with this sub-section, it appears to the presidency magistrate that in the event of the offence being proved such sentence as aforesaid would be insufficient, he shall recall any witnesses who may have been examined and proceed to re-hear the case in the manner provided in the said section 362 for a case in which an appeal lies.

(3) Notwithstanding anything contained in section 526 of the said Code, no decision of a court to try any offence punishable under this Act otherwise than in the summary manner provided by this section shall be a valid ground on which to make an application under that section.

19. *Accounts and information.*—(1) The Central Government may direct any dealer or producer to keep such books, accounts and other records in relation to all sale and purchase transactions entered into by him as it thinks necessary.

(2) The Central Government may direct a dealer or producer—

(a) to produce to, and allow to be examined by, a person specified in this behalf such books, accounts or other documents in the custody or under the control of the person so required as may be specified or described in the direction being documents relating to the transactions or business the examination of which may be required for the purpose of this Act; and

(b) to furnish to a person so specified such information as respects the transaction or business as may be required for the purposes of this Act or such other information as may be in his possession in relation to the business carried on by another person.

(3) The Central Government may by notified order, issue to all dealers and producers of a specified class a direction such as is referred to in sub-section (1) or in clause (a) of sub-section (2).

20. *Restriction on disclosure of information.*—(1) No information with respect to any particular business which has been obtained under this Act shall, without the consent of the person carrying on that business, be disclosed otherwise than in connection with the execution of this Act:

Provided that nothing in this section shall apply to a disclosure of information made for the purpose of any criminal proceedings which may be taken whether by virtue of this Act or otherwise, or for the purposes of any other law for the time being in force.

(2) If any person discloses any information in contravention of the provisions of this section he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

21. *Power to exempt.*—The Central Government may by notified order, exempt any person or any goods or class of goods from all or any of the provisions of this Act or of any order made thereunder.

22. *Delegation of powers.*—(*1*) The Central Government may, by notified order, direct that any power exercisable by it under this Act (except the power given to it under section 3) shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by such officer or authority subordinate to the Central Government or by such State Government as may be specified in the direction.

(*2*) Any power exercisable by a State Government by virtue of a direction under sub-section (*1*) may, unless otherwise provided in such direction, be exercised also by such officer or authority subordinate to that State Government as it may, by notified order, specify in this behalf.

23. *Power to issue directions to State Governments.*—The Central Government may give directions to any State Government as to the carrying into execution in the State of any of the provisions of this Act or of any order or direction made thereunder.

24. *Bar of legal proceedings.*—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

25. *Saving of other laws.*—The provisions of the Act shall be in addition to, and not in derogation of, any other law for the time being in force regulating the keeping, searching, distribution, disposal or price of goods.

26. *Power to make rules.*—(*1*) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the objects of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the matters referred to in sub-section (*2*) of section 6;

(*b*) the particulars to be contained in any cash memorandum under section 9;

(*c*) the manner in which prices may be marked on goods and price lists exhibited;

(*d*) the issue of licences under section 13, and the attachment of any coditions thereto and the levying of a fee therefor;

(*e*) any other matter which is to be or may be prescribed.

27. *Repeal of Ordinance XXVI of 1950.*—(*1*) The Supply and Prices of Goods Ordinance, 1950 (XXVI of 1950) is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

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THE SCHEDULE

(*See* section 3)

GOODS TO WHICH THIS ACT APPLIES

1. Non-ferrous metals, including brass (unwrought and semi-manufac-ıred).
2. Bicycles, bicycle parts and accessories.
3. Cycle tyres and tubes.
4. Electric bulbs.
5. Caustic soda.
6. Soda ash.
7. Tanning materials (wattle bark, wattle extract, quebracho)
8. Raw rubber.
9. Casein.
10. Infants' foods (Glaxo, Horlicks, Cow and Gate Milk and Ostermilk).

STATEMENT OF OBJECTS AND REASONS

The Supply and Prices of Goods Ordinance, 1950 (XXVI of 1950), was romulgated on the 2nd September, 1950, to provide, in pursuance of a resolu-on under article 249 of the Constitution, for the control of prices of certain oods, and the supply and distribution thereof. The necessity for control nd distribution of goods still continues. This Bill incorporates the provi-ons of the Ordinance with slight modifications, and is intended to replace

HARE KRUSHNA MAHTAB.

NEW DELHI;
he 1st December 1950.

PARLIAMENT OF INDIA

The following Bills were introduced in Parliament on the 12th Decem-er, 1950:—

[BILL NO. 78 OF 1950]

A Bill to provide for the protection of certain Hindu religious institutions known as Mutts.

BE it enacted by Parliament as follows:—

CHAPTER I

1. *Short title and extent.*—(*1*) This Act may be called the Hindu Mutts ct, 19 .

(*2*) This Act shall apply to all Hindu religious institutions which are, or ll within the definition of, Mutts, as defined in this Act.

(3) The Central Government or the Government of any State with the previous approval of the Central Government may by notification in the Official Gazette, by name, extend the provisions of this Act, to or exclude from the provisions of this Act, any Mutt or other institution liable to be regarded as a Mutt.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(a) "Government" means, the Government of India;

(b) "State Government" means, the Government of a State;

(c) "Mutt" means a Hindu religious institution established or maintained for the preservation and promotion of the tenets or traditions of any Hindu religious denomination or any section thereof and presided over by the Head of the Mutt;

(d) "Head of a Mutt" means a person who presides over the Mutt and occupies the position of a *GURU* to a body of disciples;

(e) "Endowments of a Mutt" means a property given or endowed by the donors for a specific religious purpose connected with the Mutt.

Explanation I.—Property in the possession of a Mutt which has been earmarked or whose income has been continuously spent for a specific religious purpose connected with the Mutt for more than twenty years shall be presumed to be a part of the Endowments of a Mutt.

Explanation II.—All immoveable properties which have come into possession of the Head of a Mutt on the date of his succession to the Mutt shall be presumed to be the Endowments of the Mutt.

Explanation III.—All properties whether moveable or immoveable, belonging to or endowed for a temple attached to a Mutt shall not be deemed to be part of the Endowments of a Mutt.

Explanation IV.—All properties whether moveable or immoveable acquired by the Head of a Mutt during his period, including *Pada Kanikas* or other property gifted to the Head of a Mutt without any specific trust attached to them and all income of whatever kind derived from the properties vested in, or in the possession of a Mutt, not being endowments of a temple attached to the Mutt, shall not be treated as Endowments of the Mutt.

(f) "Prescribed" means prescribed by Rules made by the Government under this Act.

CHAPTER II

Endowment of the Mutt

3. *Appointment of an agent by the Head of a Mutt.*—The Head of a Mutt shall by Power of Attorney appoint an Agent for the purpose of managing the Endowments of a Mutt. Such Agent shall be deemed to represent the Mutt for all purposes of the secular affairs of the Mutt.

4. *Procedure against the mismanagement of the Endowments of a Mutt and duties of the Head of a Mutt.*—(1) Any twenty or more persons having interest in the Mutt may apply by petition to the Court alleging that the Endowments of a Mutt are being mismanaged or their income spent for improper purposes, and if the Court on enquiry is satisfied that the Endowments of the Mutt are mismanaged, the Court may by an order settle a scheme of administration for the Endowments of the Mutt.

(2) In settling such a scheme, the court may associate any person or persons having interest in the Mutt with the Agent appointed by the Head of the Mutt for purposes of managing the Endowments of the Mutt, and prescribe other regulations for the proper administration of the endowments.

(3) No scheme settled under this section shall,—

(i) restrict in any manner the power of the Head of the Mutt to appoint the Agent for managing the Endowments of the Mutt; or

(ii) restrict or interfere with the power of the Head of the Mutt regarding management and the disposal of the income of the properties of the Mutt, other than the Endowments of the Mutt.

5. *Maintenance of a Register by the Agent.*—The agent of a Mutt shall maintain a register showing,—

(a) the name of past and present Heads of the Mutt, and particulars as to the custom or usage, if any, regarding succession to the office of the Head of the Mutt;

(b) the particulars of all properties belonging or appertaining or annexed to the Mutt and the title deeds, if any, relating thereto; and

(c) such other particulars as may be prescribed.

CHAPTER III

Miscellaneous

6. *Application of the funds or property of the Mutt.*—The Head of a Mutt, and every Manager, Agent, or other person managing or administering the affairs and property connected with a Mutt, shall be bound to apply the funds or properties of the Mutt in accordance with the usage of the Mutt or temple and the endowments or the income therefrom shall not be applied or used for objects or purposes inconsistent with or foreign to the objects or purposes for which the Mutt concerned was founded or established.

7. *Procedure for, exchange, gift, sale, mortgage and lease, of the immoveable property.*—Any exchange, gift, sale or mortgage and any lease for a term exceeding five years, of any immoveable properties being part of the Endowments of a Mutt shall be void unless the same is sanctioned by the court as being necessary or beneficial to the Mutt.

8. *Payment of costs incidental to any suit or legal proceeding.*—All costs and expenses of and incidental to any suit or legal proceeding under this Act shall be payable out of the funds of the temple or a Mutt unless court orders for reasons to be recorded.

9. *Saving of established customs and usages.*—Nothing in this Act contained shall affect any established usuage of a Mutt or the rights, honours, emoluments and perquisites to which any person may by custom or otherwise be entitled in such a Mutt.

10. *Right to establish and maintain Mutts and management of their affairs.*—Nothing in this Act shall affect the right of any Hindu religious denomination or any section thereof to establish and maintain their own Mutts or like institutions for religious and charitable purposes or affect their right to manage the affairs of such institutions in matters of religion in accordance with their own desires and arrangements.

11. *Procedure for removal of the Head of a Mutt and appointment of another head.*—(*1*) Any twenty or more persons having interest and having obtained the consent in writing of the Advocate-General of the State in which the spiritual head of a Mutt is situated may institute a suit in the court to obtain a decree for removing the Head of a Mutt for any one or more of the following reasons, *viz.*,—

(*a*) for being of unsound mind;

(*b*) for suffering from any physical or mental defect or infirmity rendering him unfit to be the Head of a Mutt;

(*c*) for having ceased to profess the Hindu religion;

(*d*) for being convicted for any offence involving moral turpitude; and

(*e*) for the gross mismanagement of the Mutt and breach of any trust created in any respect of property of the institution.

(*2*) The Court in deciding such a suit may give directions for the appointment of a new Head of the Mutt having due regard to the usages of the Mutt.

12. *Power to make rules.*—The Government may make Rules for the purposes expressly allowed under this Act and generally for carrying out the purpose of this Act.

13. *Repeals.*—On the coming into force of this Act, all provisions of any State law or of any scheme settled by any authority or order or notification, which are repugnant to the provisions of this Act, shall to the extent of the repugnancy be inoperative and of no effect.

14. *Audit of the Accounts of Mutt.*—(*1*) The accounts of every Mutt shall be audited annually by a registered accountant and auditor.

(*2*) The auditor shall make a report in such form as may be prescribed, specifying in such report all cases of irregular, illegal, or improper expenditure, or failure to recover moneys or other properties due to or belonging to the institution and all cases of breach of trust and acts of misfeasance or malfeasance. The auditor shall also verify the assets and endowments with the relative registers and append a certificate to his report recording such verification.

(*3*) The auditor's report shall be published in such manner as may be prescribed.

15. *Procedure for modification of scheme already in force.*—If there is a scheme of administration already in force in respect of a Mutt framed by a competitive authority, the Head of the Mutt or any twenty persons having interest may apply to the court for modifying the provisions of such scheme so as to bring it into conformity with this Act.

STATEMENT OF OBJECTS AND REASONS

The Constitution has included religious endowments and religious institutions in the concurrent list, evidently in the view that on fit occasions, Union legislation on these subjects will be necessary or appropriate.

There are numerous institutions, known as Mutts or by similar names, which have been established and maintained for preserving and promoting the tenets and traditions of particular Hindu Religious denominations. The Heads of these institutions are held in special reverence by their followers, and many of them have disciples living in several States. These institutions fall within the language and intent of Article 26 of the Constitution by which they have been given special rights regarding the management of their internal affairs. Many of these institutions have properties in more than one State. It is necessary and appropriate that these institutions are brought under a special Union legislation providing for their proper governance. Hence, this Bill is proposed to be introduced in Parliament.

M. ANANTHASAYANAM AYYANGAR

BILL No. 65 OF 1950

A Bill further to amend the Indian Bar Councils Act, 1926.

BE it enacted by Parliament as follows :—

1. *Short title and commencement.*—(*1*) This Act may be called the Indian Bar Councils (Amendment) Act 19 .

(*2*) It shall come into force at once.

2. *Definition.*—In this Act, unless there is anything repugnant in the subject or context, the expression "the Act" means the Indian Bar Councils Act, 1926.

3. *Amendment of section 4 of the Act.*—(*1*) Sub-section (*3*) of section 4 of the Act shall be omitted.

(*2*) The proviso to sub-section (*4*) of section 4 of the Act shall be omitted.

4. *Amendment of section 6 of the Act.*—For the words and figures "sub-sections (*2*) and (*3*)" occurring in clause (*a*) of sub-section (*1*) of section 6 of the Act the words and figures "sub-section (*2*)" shall be substituted.

5. *Amendment of section 8 of the Act.*—(*1*) After the proviso to clause (*b*) of sub-section (*2*) of section 8 of the Act the following clause shall be added, namely :—

"(*c*) Attorneys of the High Courts of Judicature at Fort William in Bengal, Bombay and Madras :

Provided that such Attorneys shall have paid the prescribed fee payable to the Bar Council".

(*2*) After the proviso to clause (*b*) of sub-section (*3*) of section 8 of the Act the following second proviso shall be added, namely :—

"Provided further that the seniority of any person admitted to be an Advocate of the High Court after the commencement of this Act, shall be determined by the date of his admission".

(*3*) In the proviso to sub-section (*4*) of section 8 of the Act, the words and figures "and King's Council shall have pre-audience over all Advocates except the Advocate-General" shall be omitted.

6. *Amendment of section 9 of the Act.*—Sub-section (*4*) of section 9 of the Act shall be omitted.

7. *Amendment of section 14 of the Act.*—(*1*) In clause (*a*) of sub-section (*1*) of section 14 of the Act, the words and figures "Subject to the provisions of sub section (*4*) of section 9", shall be omitted.

(*2*) Sub-section (*3*) of section 14 of the Act shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend the Indian Bar Councils Act, 1926 (Act XXXVIII of 1926), for reasons *inter alia* as follows :—

The legal profession is under the existing Indian Law divided into numerous classes with varying qualifications and rights of practice. The establishment of a homogeneous Bar in India with uniform rights of practice in all Courts has been the consistent demand of legal practitioners in India except the members of the English Bar and the Attorneys who all together form an insignificant minority. One of the objects of the Indian Bar Councils Act, 1926, was to establish a homogeneous Bar in the first instance in each High Court in India. But the objective failed in so far as the High Courts at Calcutta and Bombay were concerned due to the provisions in the Act as amended by the Indian Bar Councils (Amendment) Act, 1927 (Act XIII of 1927), safeguarding the privileges of the Barristers as defined in section 3(4) of the General Clauses Act, 1897 (Act X of 1897), and the Attorneys in these Courts and the English Bar has so far been maintained in High Courts in a position superior to that of the Indian Bar.

It is highly undesirable that in independent India, the members of the national Bar should be kept down in a position inferior to that of the English Bar, or that the demand for a homogeneous national Bar with uniform rights of practice should further be denied. The Bill seeks to establish a homogeneous Bar with uniform rights of practice in each of the High Courts in the first

instance, which will give immediate relief to the litigating public there and improve the administration of Justice. As a logical sequence, it further seeks to abolish the existing preferential treatment of Barristers in respect of seniority as well as the Bar Councils of the High Courts, and to render the office of the Chairman of the Bar Council into an elective one. It is to be noted that in the High Court at Calcutta, the office of the Advocate-General, like the office of the permanent Chief Justice, has never been filled by a member of the Indian Bar.

SARDAR HUKAM SINGH.

BILL NO. 90 OF 1950

A Bill to enforce monogamy and to prohibit and penalise future bigamous marriages and to declare them illegal.

BE it enacted by Parliament as follows :—

1. *Short title, extent and commencement.*—(*1*) This Act shall be called the Monogamy Enforcement Act, 195 .

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint in this behalf.

2. *Definition.*—In this Act, unless there is anything repugnant in the subject or context, "Bigamous marriage" means the marriage of any person during the life time of the spouse of a former subsisting marriage.

Explanation.—Every marriage shall be presumed to be a subsisting marriage unless it is proved to have been dissolved or avoided according to the personal law to which the parties are subject.

3. *Prohibition and illegality of future bigamous marriages.*—(*1*) Notwithstanding anything contained in, any law for the time being in force no person shall contract a bigamous marriage.

(*2*) Bigamous marriages entered into after the commencement of this Act shall be void and illegal.

4. *Penalty for bigamous marriages and abetment thereof.*—(*1*) Notwithstanding anything contained in this Act any person contracting a bigamous marriage within the terms of section 494 of the Indian Penal Code (XLV of 1860) shall be punished as provided in the said section of that Act.

(*2*) Whoever performs, conducts, arranges or otherwise abets any marriage which he knows or has reasons to believe to be bigamous shall be punished with imprisonment of either description which may extend to one year or fine which may extend to one thousand rupees or with both.

5. *Civil consequences of bigamous marriages.*—No civil rights or obligations of husband and wife shall accrue to parties to bigamous marriages and the issues of such marriages shall be illegitimate :

Provided that issues of such marriages shall not be illegitimate if such issues are conceived or born during wedlock in cases when marriage is contracted between persons whose spouse has been continually absent from such person or persons for a period of seven years and shall not have been heard of by such person or persons as being alive within that time.

STATEMENT OF OBJECTS AND REASONS

This Bill is designed to instal monogamy in the social life of the nation.

In this country monogamy has been practised on a very large scale though bigamous marriages are not prohibited. The Hindu and Muslim social codes of conduct while looking down at non-monogamous marriages have not held them to be unlawful or illegal. But now as the society has progressed and its social conscience has been aroused, the enlightened public opinion is insistent that bigamous marriages should be abolished and interdicted by law.

For the present needs of our society bigamy is not only unnecessary but positively unsuited, harmful and destructive.

The present state of society and the need of rehabilitating social relationships specially marriage shattered by the displacement of population as a result of partition has accentuated the problem beyond measure and the present Bill is sure to prove a remedy for a wholesome change in the situation.

THAKUR DAS BHARGAVA.

NOTES ON CLAUSES

1. Clause 1 deals with title, extent and date of commencement.
2. Clause 2 defines bigamous marriages.
3. Clause 3 declares such marriages void and illegal and prohibits them for the future.
4. Clause 4 adopts the qualified provisions of section 494 of the Indian Penal Code for penalising such marriages and seeks to penalise abetment also.
5. Clause 5 declares the civil consequences of such marriages but legitimises the progeny of bigamous marriages conceived or born during wedlock in cases of presumed death of spouse.

BILL No. 70 OF 1950

A Bill to provide for punishment of those found guilty of adulteration of foodstuffs.

BE it enacted by Parliament as follows :—

1. *Short title, extent and commencement.*—(*1*) This Act may be called the Punishment for Adulteration of Foodstuffs Act, 19

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

2. *Definition.*—" Foodstuffs " for the purpose of this Act shall mean and include all kinds of grains, pulses, wheat flour, maida, gur, sugar; oil, milk, ghee and other milk products; tinned food, preserves, pickles, and prepared food including sweets, savouries and other ready-made food cooked and served in hotels, restaurants, refreshment rooms and other such public eating houses.

3. *Punishment for Adulteration of Foodstuffs.*—(*1*) Any person, whether producer, preparer, dealer, server or seller of any foodstuffs found guilty of adulteration, so as to deteriorate the quality of article concerned, or passing of any inferior article for superior one of the same category or selling under false name or description any article of foodstuffs shall be prosecuted and if found guilty shall be punishable with imprisonment of either description for a period not exceeding two years or with fine not exceeding ten times the value of the adulterated article transacted in or rupees five thousand, whichever amount is higher or with both imprisonment and fine.

(*2*) No prosecution under this Act shall be commenced except by an officer appointed especially in that behalf and subject to the sanction of the Government of the Province or Acceding State concerned.

STATEMENT OF OBJECTS AND REASONS

The evil of adulteration, especially with regard to foodstuffs and all eatable materials has become so rampant that it is practically impossible with regard to certain materials to get pure things which are so essential for the health of the people. The result is that people become victims of all sorts of diseases because of adulterated and impure food. It has, therefore, become necessary to provide for deterrent punishment for persons found guilty of offences of such acts.

B. P. JHUNJHUNWALA.

BILL No. 72 OF 1950

A Bill further to amend the Indian Bar Councils Act, 1926

BE it enacted by Parliament as follows :—

1. *Short title and commencement.*—(*1*) This Act may be called the Indian Bar Councils (Amendment) Act, 19

(*2*) It shall come into force at once.

2. *Amendment of section 2, Act XXXVIII of 1926.*—After clause (*d*) of sub-section (*1*) of section 2 of the Indian Bar Councils Act, 1926 (hereinafter referred to as the said Act), the following new clause shall be added, namely :—

"(*e*) 'Court' includes all courts, Civil, Criminal and Revenue established by any Union or State enactment."

3. *Substitution of new section for section 4 of the said Act.*—For section 4 of the said Act the following shall be substituted, namely :—

"4. *Composition of Bar Councils.*—(*1*) The Bar Council shall consist of the following members :

(*a*) the Advocate-General ;

(*b*) five members to be nominated by the High Court from amongst the Judges of that Court who had been advocates :

Provided that if the number of such Judges is less than five, then all such Judges shall be nominated to the Bar Council ;

(*c*) ten members to be elected from the Advocates practising in the Districts in the following way :

Ten electoral units each comprising of a number of Districts, shall be constituted as single member constituencies by the Bar Council on a population basis. One member from each of the said constituencies shall be elected for the Bar Council ;

(*d*) five members to be elected by the Advocates practising in the High Court :

Provided that in case the Bench of the High Court usually sits at more than one place, the Bar Council shall by rules made in that behalf allocate the number of members to be elected from each of such places ;

(*e*) three members to be nominated from amongst the Advocates by the High Court :

Provided that no Advocate shall be eligible for membership who has not for less than ten years been entitled as of right to practise in the High Court.

(*2*) There shall be a Chairman and a Vice-Chairman of each Bar Council. In States where there is an Advocate-General, he shall be the *ex-officio* Chairman, while the Vice-Chairman shall be elected by the Council in such manner as may be prescribed :

Provided that in States where there is no Advocate-General, the Chairman of the Bar Council shall be elected by the Council in such manner as may be prescribed."

4. *Substitution of new section for section 5 of the said Act.*—For section 5 of the said Act the following shall be substituted, namely :—

"5. *Term of Membership of Bar Council.*—(*1*) The term of office of the Advocate-General shall be till he holds that office.

(*2*) The term of office of the members mentioned in clause (*b*) of sub-section (*1*) of section 4 shall be five years or till they hold the office of the Judge of the High Court whichever is less.

(3) The term of office of the members of the Bar Council mentioned in clauses (c) and (d) of sub-section (1) of section 4 shall be nine years:

Provided that upon the first constitution of the Bar Council after this Act comes into force, the Chairman shall make such provision that one-third of the members holding seats under sub-section (1) of section 4 shall retire every third year.

(4) The seats falling vacant by such retirement shall be filled up by nomination or election as the case may be, from the members of the same class:

Provided that the members who retire shall be eligible for re-election."

5. *Amendment of section 6 of the said Act.*—In section 6 of the said Act—

(i) in clause (a) of sub-section (1) the following shall be omitted, namely:—

"the method of determining in accordance with the provisions of sub-sections (2) and (3) of section 4, the candidates who shall be declared to have been elected";

(ii) clause (b) of sub-section (1) shall be omitted; and

(iii) in sub-section (2) the words "with the previous sanction of the High Court" shall be omitted.

6. *Amendment of section 7 of the said Act.*—After clause (a) of section 7 of the said Act the following new clauses shall be inserted, namely:—

"(aa) the appointment and constitution of District Bar Council Committees and their powers and duties;

(aaa) the appointment and constitution of committees for the purpose of supervising legal education; and";

7. *Amendment of section 9 of the said Act.*—In sub-section (1) of section 9 of the said Act, the words "with the previous sanction of the High Court" shall be omitted.

MISCONDUCT

8. *Substitution of new section for section 10 of the said Act.*—For section 10 of the said Act the following shall be substituted, namely:—

"10. *Punishment of advocate for misconduct.*—(1) The Bar Council may, in the manner hereinafter provided, reprimand, suspend or remove from practice any advocate of the High Court who in its opinion is unfit to be an advocate.

(2) Upon receipt of a complaint made to it by the High Court or by any court, or by any other person that such advocate has been guilty of misconduct, the Bar Council shall unless it considers it unnecessary to do so, refer the case for inquiry either to the court of a District Judge (hereinafter referred to as a District Court) or to a District Committee of the Bar Council or to a sub-committee of its own members, constituted for the purpose, to make a preliminary enquiry and make a report about it to the Bar Council.

(3) The finding of a District Court or a District Committee of the Bar Council, or of the sub-committee of the Bar Council, as the case may be, shall be sent to the Bar Council.

(4) If on the receipt of the report under sub-section (3) or even if without such a reference and report the Bar Council is of opinion that the case should be tried, it shall be tried by a Committee of the Bar Council (hereinafter referred to as the Tribunal).

(5) The Tribunal shall consist of not less than three and not more than five members of the Bar Council, appointed for the purpose of the inquiry by the President of the Bar Council and one of the members so appointed shall be appointed to be the President of the Tribunal.

(6) After the appointment of the Tribunal, the complaint and the report of the inquiry, if any, shall be sent to the Tribunal. The Tribunal on receipt of such inquiry or report shall fix a day for the hearing of the case and shall cause notice of the day so fixed to be given to the advocate concerned, to the Registrar of the High Court and to the complainant, if any, and shall afford the advocate concerned and the complainant, if any, an opportunity of being heard and of producing such material before it as they desire:

Provided that the Tribunal shall not be bound by any rules of evidence.

(7) On the termination of the inquiry the Tribunal shall pass final orders in the case. In passing the final orders the Tribunal may pass such orders as regards the payment of the costs of the inquiry and of the hearing before it as it thinks fit.

(8) A copy of the judgment of the Tribunal shall, thereafter, be submitted to the High Court. When any advocate is reprimanded or suspended by the Tribunal a record of the punishment shall be entered against his name in the roll of advocates of the High Court and when an advocate is removed from practice his name shall forthwith be struck off the roll; and the certificate of the advocate so suspended or removed shall be recalled.

(9) The High Court shall make rules to prescribe the procedure to be followed by the District Courts and the Bar Council shall make rules and prescribe the procedure to be followed by the District Bar Council Committees, sub-committee of the Bar Council and the Tribunal in the conduct of the inquiries referred to under this section."

9. *Omission of sections 11 and 12 of the said Act.*—Sections 11 and 12 of the said Act shall be omitted.

10. *Amendment of section 13.*—In section 13 of the said Act—

(*i*) in sub-section (*1*)—

(*a*) after the word "Tribunal" the words "a District Committee of the Bar Council or a sub-committee of the Bar Council" shall be inserted; and

(*b*) in the proviso, after the word "Tribunal" the words "District Committee of the Bar Council or the sub-committee of the Bar Council" shall be inserted;

(*ii*) in sub-section (*2*) after the words "a Tribunal" the words "or District Committee of the Bar Council or a sub-committee of the Bar Council making the enquiry" shall be inserted;

(iii) in sub-section (3)—

(a) in clause (a)—

(i) after the word "Tribunal" the words "or a sub-committee of the Bar Council appointed for the purpose of making the enquiry" shall be inserted; and

(ii) for the words "by which the Tribunal has been constituted" the following shall be substituted, namely:—

"and that of the District Committee of the Bar Council making an enquiry shall be the District for which it is appointed"; and

(b) in clause (b) after the word "Tribunal" wherever it occurs the words "or sub-committee of the Bar Council or a District Committee of the Bar Council making enquiry" shall be inserted; and

(iv) in sub-section (4) after the word "Tribunal" the words "or sub-committee of the Bar Council or the District Bar Council making the inquiry", shall be inserted.

Amendment of section 15.—In section 15 of the said Act—

(i) the words "with the previous sanction of the High Court for which it is constituted" shall be omitted;

(ii) clause (a), the following new clause shall be inserted, namely:—

"(aa) the enrolment of advocates and removal of their names from the roll of advocates permanently or for a limited period";

(iii) in clause (c) for the words "the giving of facilities" the words "making provision" shall be substituted; and

(iv) for clause (f) the following shall be substituted, namely:—

"(f) any matter incidental or ancillary to any of the foregoing matters."

STATEMENT OF OBJECTS AND REASONS

The Indian Bar Councils Act (Act XXXVIII), 1926 has now been in force for the last twenty years. It has done considerable good in unifying the Bar of India and bringing them to the same level. But unfortunately it has not succeeded much in its aim of organising the legal profession, purifying it and raising it to a higher level. This failure appears to be due to a large extent to the defective system of election to the Bar Councils. The keeping of the whole of a State as an electoral college, has got the defect, that the voters are not in a position to vote on their own knowledge. They must necessarily depend upon the recommendation of their friends and acquaintances. Any one who takes to canvassing and carrying on propaganda has got better chances of success than one who is otherwise much better fitted to be a member of the

Bar Council, but has neither inclination nor time for such methods of canvassing. So the basic changes that are proposed in this amending Bill are as follows:

1. The membership has been distributed to constituencies composed of a number of Districts in the States, each of such constituencies returning one member to the Bar Council. It is expected that this distribution of seats shall enable the voters to vote on their personal knowledge and without the necessity of canvassing.

2. Similarly in the case of advocates practising in the High Court, five seats have been allotted to them. In case the High Court sits at more than one place then these seats have to be distributed between the two places by the Bar Council.

3. To give the Judges of the High Court who had been advocates greater interests in the matter of the legal profession five seats have been allotted to the Judges of the High Court for the purpose and further the High Court has been given the power to nominate three persons from the Advocates.

4. As the work of organising the profession must be left in experienced hands, it has therefore been provided that only such advocates shall be eligible to the membership of the Bar Council who have been entitled as of right to practise in the High Court for a period of ten years or more.

5. To give real responsibility and sense of the security of tenure to the members of the Council and to avoid the periodical canvassing the period of membership has been increased to 9 years, one-third of the members returning every third year.

The important change proposed in this Bill is the trial of the cases of misconduct by the Bar Council itself. To make the legal profession independent we must be able to improve it ourselves and must have a sense of responsibility and that cannot be created unless we have got the power of punishing the transgressors. These are the two main principles on the basis of which the Indian Bar Councils Act is intended to be amended.

This statement of the objects and reasons, shall however, be not complete without some reference being made to the question of legal education. For an autonomous Bar, the provisions for imparting the legal education and its control is of basic importance. Provision for providing facilities for legal education was kept as a function of the Bar Councils, by the Indian Bar Councils Act XXXVIII of 1926, but no steps have yet been taken in this direction by the Bar Councils constituted under the Act. The reason for this failure, again, appears to be the method of election, and the period of the membership of the Council being too short for any substantial work on a planned basis. In the present draft this function has been brought more specifically to the fore and it is hoped that by this change in the method of election and giving greater stability of tenure of office, the members of the Bar Council will be able to do some beneficial work in this direction.

MOHAMMAD AHMAD KAZMI.

BILL No. 71 OF 1950

A Bill to amend the Fifth Schedule of Constitution of India.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Constitution (Amendment of Fifth Schedule) Act, 19

2. *Definitions.*—In this Act, "co-operative society" means a co-operative society registered under the Co-operative Societies Act, in force in the State concerned.

"State enterprise" means any enterprise undertaken by the Government of any State or by the Government of India.

3. *Amendment of the Fifth Schedule.*—After clause (*c*) of sub-paragraph (2) of paragraph 5 of the Fifth Schedule of the Constitution, the following new clauses shall be added, namely :—

"(*d*) regulate or restrict or prohibit the carrying on of business by any person not belonging to a Scheduled Tribe or by any firm or corporation other than a co-operative society, as forest contractor or as purchaser and seller of major or minor forest products or as trader in food crops and other articles of consumption within a Scheduled Area ;

(*e*) regulate or restrict or prohibit the acquisition and holding of agricultural or horticultural land within a Scheduled Area by any person not belonging to a Scheduled Tribe or by any firm or corporation other than a co-operative society ;

(*f*) regulate or restrict or prohibit the grant of any State land in a Scheduled Area for agricultural or horticultural purposes to any person not belonging to the Scheduled Tribe or any corporation or firm other than a co-operative society ;

(*g*) regulate or restrict or prohibit the entry into or residence in a Scheduled Area of such person or persons whose presence in a Scheduled Area may be deemed to be detrimental to the legitimate interests and welfare of the Scheduled Tribes therein and whose presence may be deemed to jeopardize peace and tranquillity in a Scheduled Area ;

(*h*) extern from a Scheduled Area any person or class of persons mentioned in clause (*g*) above ;

(*i*) declare that any forests or any class of forest products or mines or any natural resources obtaining in a Scheduled Area may be reserved for exploitation as State enterprise and that no person or persons or firm or corporation shall be allowed to exploit such forests or forest products or mines or any natural resources ; and

(*j*) declare that any scheme or schemes of development that may be undertaken in a Scheduled Area shall be so executed as not to deprive a member or members of the Scheduled Tribe residing therein of any interest that may be subsisting at the time of inauguration of such scheme or schemes."

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STATEMENT OF OBJECTS AND REASONS

The object of this Bill is to amend the Fifth Schedule of the Constitution of India for the following reasons :—

That the conditions prevailing in certain Scheduled Areas in India are detrimental to the proper development of the Scheduled Tribes residing therein.

That the steady and growing influx of various classes of people and interests in the Scheduled Areas in recent years especially since the last world war, is detrimental to the establishment of State and co-operative enterprises for augmenting the financial resources of the Union and States of India by exploiting the mineral, forest and other natural resources obtaining in the Scheduled Areas.

That the presence of certain classes of people, other than the Scheduled Tribes, and interests is likely to foment ill feelings and prove detrimental to peace and tranquillity in the Scheduled Areas.

P. KODANDA RAMIAH.

BILL NO. 66 OF 1950

A Bill further to amend the Indian Companies Act, 1913

BE it enacted by Parliament as follows :—

1. *Short title and commencement.*—(*1*) This Act may be called the Indian Companies (Amendment) Act, 195

(*2*) It shall come into force on such date as the Central Government may by notification in the official Gazette, appoint.

2. *Insertion of new section 138A in Act VII of 1913.*—After section 138 of the Indian Companies Act, 1913 (hereinafter referred to as the said Act) the following new section shall be inserted, namely :—

"*138A. Investigation of Company's affairs in other cases.*—Without prejudice to their powers under section 138, the Central Government—

(*a*) Shall appoint one or more competent inspectors to investigate the affairs of a company and to report thereon in such manner as the Central Government may direct, if—

(*i*) the company by special resolution ; or

(*ii*) the court by order ;

declares that its affairs ought to be investigated by an Inspector appointed by Central Government ; and

(*b*) may do so if it appears to the Central Government that there are circumstances suggesting—

(*i*) that its business is being conducted with intent to defraud its creditors or the creditors of any other person or otherwise for a fraudulent or unlawful purpose or in a manner oppressive of any part of its members or that it was formed for any fraudulent or unlawful purpose; or

(*ii*) that persons concerned with its formation or the management of its affairs have in connection therewith been guilty of fraud, misfeasance or other misconduct towards it or towards its members; or

(*iii*) that its members have not been given all the information with respect to its affairs which they might reasonably expect."

3. *Amendment of section 141A.*—In section 141A of the said Act:

(*i*) In sub-section (*1*) after the word and figures "Section 138" the word, figures and letter "or 138A", shall be inserted.

(*ii*) After sub-section (*2*) the following new sub-sections (*3*) and (*4*) shall be inserted, namely:—

"(*3*) Without prejudice to any action that may be taken under sub-sections (*1*) and (*2*) of section 141A, if from any such report made under section 138 or 141 or otherwise it appears to the Central Government that proceedings ought, in the public interest, to be brought by any body corporate dealt with by the report for the recovery of damages in respect of any fraud, misfeasance or other misconduct in connection with the formation of the body corporate or the management of its affairs or for the recovery of any property of the body corporate which has been misapplied or wrongfully retained, they may themselves bring proceedings for that purpose in the name of the body corporate, or authorise the Committee of Management appointed under section 141B so to do.

(*4*) The Central Government shall, if they themselves bring such proceedings, indemnify the body corporate against any costs or expenses incurred by it in or in connection with any proceedings brought by virtue of the last foregoing sub-section (*3*), and when such proceedings are taken by the Committee of Management under such authority as aforesaid the Committee of Management shall be entitled to pay such costs or expenses out of the funds of the company."

(*iii*) The existing sub-sections (*3*) and (*4*) of section 141A of the said Act shall be re-numbered as sub-sections (*5*) and (*6*), respectively.

4. *Insertion of new section 141B in Act VII of 1913.*—After section 141A of the said Act the following new section shall be inserted, namely:—

"*141B. Power to make provision for the control and management of a company.*—(*1*) Without prejudice to any action that may be taken under

section 141A, if from any report made under section 138 or 138A or 141, or otherwise owing to fraud or misappropriation or misconduct of or mismanagement or misfeasance or breach of trust by the Directors or the Managing Agents of a Company, it appears to the Central Government that the control and management of the affairs of the Company ought in the public interest be taken over by Government, the Central Government may, by notification, in the official Gazette take over the control and management of the affairs of the Company, and may appoint a Committee of Management to take charge of management and control the affairs of the Company its assests moveable and immoveable for the period and on the terms and conditions specified therein.

(2) Notwithstanding anything contained in the Memorandum and the Articles of the Association of the Company, the Committee appointed under sub-section (1) shall be in sole charge, the control and management of the affairs of the Company and its assets moveable and immoveable, to the exclusion of the Directors or the Managing Agents of the Company.

(3) Notwithstanding anything contained in the Memorandum and Articles of Association of the Company, the Central Government shall vest in the Committee all the powers given to the Directors by the said Act, and all the powers given to the Directors or the Managing Agents by the Memorandum and Articles of Association of the Company or by any agreement between them and the Company.

(4) A competent independent person shall be appointed as Chairman of this Committee by the Central Government.

(5) The Committee shall consist of not less than six members besides the Chairman, who shall be whole-time Officer.

(6) The Central Government shall set up a Special Tribunal to try the findings of the enquiry, to assess the loss suffered by the concern under the said management, to pass orders as to recovery of damages in respect of any fraud, misfeasance or other misconduct of management of its affairs or for the recovery of any property of the body corporate which has been misapplied or wrongfully retained and also to try persons for criminal offences in respect of their dealings with the Company.

(7) The period specified in the notification under sub-section (1) may be extended by the Central Government from time to time by notification published in the official Gazette.

(8) No suit shall be brought in any Civil Court and no prosecution, suit or other proceedings shall lie against the Committee for anything done or intended to be done in good faith.

(9) The Central Government may order the expenses of and incidental to any inquiry held under section 138, to be paid by such persons who are found guilty of or responsible for the deeds resulting into loss or damage to the Company. Expenses ordered under this sub-section shall be recoverable as arrears of land revenue.

(10) The Central Government may make rules for carrying out the purposes of this section and shall place before Parliament, a copy of the rules, within a fortnight of its publication in the official Gazette."

STATEMENT OF OBJECTS AND REASONS

Constant complaints have been made by several investors, public bodies, shareholders' associations and the press that in regard to some of the important textile and other industrial companies some of the Directors and Managing Agents have abused their position in order to promote their own interests at the expense of not only the shareholders of those companies but also the public generally. This is not only one of the reasons for the disappearance of confidence in joint stock enterprise, which has been particularly manifest in the last two or three years, but it has also caused a considerable loss of revenue to Government, and furthermore, interferred with the stepping-up of production and Government's industrial programme. It is submitted, therefore, as far as this aspect is concerned, that it is necessary immediately to amend that part of the Indian Companies Act in order to give protection to investors, so that further damage may be prevented, particularly in cases where the managements have, directly and indirectly, acquired controlling interest and a majority of shares. In such cases, the shareholders in the various companies are completely helpless, and as the law stands at present, it is virtually impossible for them to challenge the misdeeds of these Managing Agents in the Courts in order to safeguard their interests. All this involves the expendiutre of money and time, apart from other difficulties whilst the Agents are able to defend themselves at the companies' cost, and incidentally at that of the shareholders themselves.

At present, the only remedy open to the public is to make an application to the Government under section 138 of the Indian Companies Act, 1913, requesting the Government to appoint Inspectors to investigate the affairs of the Company and to report to Government. Such investigations, when held, are completed only after a good amount of labour, time and cost.

It is, therefore, suggested that the Central Government be given immediately powers to squarely meet necessities and to conduct investigation of their own if felt necessary.

The question arises, what action is open at the present time either to the shareholders or to Government to remedy the above state of affairs and stop further ruination of a concern. To the applicants, shareholders and the general public no further remedy is open, for controlling voting power is usually in the hands of the Managing Agents. The only remedy open to the Government under the Indian Companies Act, 1913, as it stands, is under the section 141A, namely to refer the matter to the Advocate-General or to the Public Prosecutor and if the Advocate-General or the Public Prosecutor considers the case as one in which prosecution can be instituted, he will cause proceedings to be taken. It is obvious that criminal proceedings will be prolonged and take a number of years and in the meanwhile the management will continue in the same hands.

It is obvious, therefore, that a new remedy ought to be devised by the Government without any loss of time to prevent further mismanagement, and to control the affairs of the Company for such a period and on such terms, and conditions as the Government may think fit. It is submitted, therefore, that this remedy must be taken expeditiously to prevent any further depredations and mismanagement by Managing Agents. Hence this Bill.

R. K. SIDHVA.

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Bill No. 69 of 1950

A Bill to provide for punishment for adulteration of foodstuffs.

Be it enacted by Parliament as follows:—

1. *Short title, extent and commencement.*—(*1*) This Act may be called the Prevention of Adulteration of Food Act, 1950.

(*2*) It shall extend to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf.

2. *Definitions.*—"Article of food" shall mean anything and everything which a human being eats, tastes or consumes in any form, pure or mixed. It shall include all kinds of edible oils, ghee, butter, etc.

"adulteration" means and includes mixing any article of food with any other thing or article of food including an article of a similar kind and quality.

3. *Application.*—The Act shall apply to all persons connected with any export or import transactions.

4. *Punishment for adulteration of foodstuffs.*—(*1*) Any shop-keeper, trader, merchant or any person who sells, deals in, or exchanges, any article or articles of food, which on examination is found to be adulterated with any other article whatsoever, shall, on conviction before a Magistrate of the First Class, be punished with rigorous imprisonment which may extend to seven years and with fine.

(*2*) Any person or persons from whom any particular merchant, trader, shop-keeper or dealer obtains an adulterated article or articles of food shall be guilty of the same offence and shall be tried jointly with the immediate seller.

5. *Trading by persons convicted under this Act.*—(*1*) Names of all persons who are convicted under this Act shall be notified in the official Gazette and they shall, under no circumstances, be permitted to trade, or deal with any article of food thereafter.

(*2*) If any person, contravenes the provisions contained in sub-section (*1*), he shall be liable, on conviction, before a Magistrate of the First Class to rigorous imprisonment for a term which may extend to three years and with fine.

6. *Pleas of defence.*—It shall be no defence under this Act that any shop-keeper, merchant, trader, or other person who sells, or is about to sell, or is found selling any article or articles of food in adulterated form, that he bought it from some one else in that particular condition, it being his duty to report adulteration where he has reason to suspect it to the authorities concerned.

7. *Percentage of mixture permissible and punishment for its contravention.*—(*1*) No foodgrains, oils, pulses or other grain intended for human consumption shall at any time contain more than five per cent of material other than that particular foodgrain.

(2) Any person selling any of the above foodgrains containing more than five per cent of other material shall be liable to be prosecuted and convicted under section 4 of this Act.

8. *Summary trial.*—The Government of India or Government of any province or Acceding State may confer powers of summary trial on any individual or class of Magistrates for summary trial of cases.

9. *Right of Appeal.*—It shall be competent for the Government of India or any Government or Province or Acceding State to restrict the time or the right of appeal in any particular case or class of cases.

STATEMENT OF OBJECTS AND REASONS

Adulteration of foodstuffs is so rampant and the evil has become so widespread and persistent that nothing short of a somewhat drastic remedy provided for in the Bill can hope to change the situation. Only a concerted and determined onslaught on this most anti-social behaviour can hope to bring relief to the nation. All remedies intended to be effective must be simple. I believe this Bill meets these requirements.

P. S. DESHMUKH.

BILL No. 68 OF 1950

A Bill to amend the Indian Penal Code.

BE it enacted by Parliament as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Indian Penal Code (Act XLV of 1860) (Amendment) Act, 1950.

(2) It shall extend to the whole of India.

(3) It shall come into force at once.

2. *Repeal of section 309 of the Indian Penal Code (Act XLV of 1860).*—Section 309 of the Indian Penal Code (Act XLV of 1860) is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

Section 309 of the Indian Penal Code provides punishment for attempts to commit suicide. Only those who are facing starvation and a slow death or are otherwise in the grip of dire economic necessity or are labouring under intolerable mental or emotional strain, mostly attempt to commit suicide. It is undesirable to penalise such persons. It is accordingly proposed to amend the Indian Penal Code by repealing section 309 thereof so as to make any attempt to commit suicide not a penal offence.

H. V. KAMATH.

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BILL NO. 94 OF 1950

A Bill further to amend the Hindu Marriages Validity Act, 1949.

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Hindu Marriages Validity (Amendment) Act, 19 .

2. *Amendment of section 2, Act XXI of 1949.*—In section 2 of the Hindu Marriages Validity Act, 1949, after the word 'Jaina', the words 'or Buddhist' shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Under the Special Marriage Act of 1872 (Act III of 1872), marriages were only permitted between persons neither of whom professed the Christian, the Jewish, the Hindu, the Moslem, the Parsi, the Buddhist, the Sikh or Jaina religion, with the result that the Act did not apply to a marriage between persons either or both of whom professed the Hindu religion; and subsequently the Act was amended, by the Special Marriage (Amendment) Act, 1923 (XXX of 1923), and a provision was introduced therein whereby a marriage between persons each of whom professes the Hindu, the Buddhist, the Sikh or the Jaina religion, was validated. The Arya Marriage Validation Act, 1937 (No. XIX of 1937) removed certain other difficulties which confronted a section of Hindu society. This enactment enlarged the scope of marriage between persons who belonged to different castes or sub-castes of Hindus, or even marriage between persons where, either, or both of whom at any time before the marriage belonged to a religion other than Hinduism.

In 1949 it was thought advisable and proper to enact another measure namely, the Hindu Marriage Validity Act (XXI of 1949). In this Act XXI of 1949 there was an omission which requires immediate amendment in order to meet the situation prevailing in various parts of the Indian Dominion and more specially in the North and North-East, which is inhabited by Buddhists in large numbers.

It is necessary, therefore, that the Act XXI of 1949 should be amended and 'Buddhist' be included within the scope of the said Act. Very slight change will effect the purpose in view.

It is, therefore, proposed that this Bill be introduced in Parliament.

PRABHU DAYAL HIMATSINGKA.

BILL NO. 93 OF 1950

A Bill further to amend the Indian Penal Code, 1860

BE it enacted by Parliament as follows:—

1. *Short title, extent and commencement.*—(*1*) This Act may be called the Indian Penal Code (Amendment) Act, 19 .

(*2*) It extends to the whole of India, including the State of Jammu and Kashmir.

(*3*) It shall come into force at once.

2. *Amendment of section 124A, Act XLV of 1860.*—For section 124A, of the Indian Penal Code (XLV of 1860) the following shall be substituted, namely:—

"124A. Whoever by words, either spoken or written, or by sign or by visible representation, or otherwise, undermines or attempts to undermine the security of the State or attempts to overthrow the State, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine."

STATEMENT OF OBJECTS AND REASONS

Article 19(1) (a) of the Constitution confers the right of freedom of speech and expression subject only to the operation of any law relating, *inter-alia*, to any matter which undermines the security of, or tends to overthrow the State. Sedition, as defined in section 124A of the Indian Penal Code, Act XLV of 1860, can, therefore, have no place in our penal law, inasmuch as it is inconsistent with the provisions of Article 19(1) (a) of the Constitution. The Bill accordingly seeks to amend section 124A of the Indian Penal Code, Act XLV of 1860, so as to bring it into line with the fundamental right of freedom of speech and expression conferred by Part III of the Constitution.

H. V. KAMATH.

BILL No. 76 OF 1950

A Bill to define certain powers and privileges of Parliament of India and of its members.

BE it enacted by Parliament as follows:—

PART I

PRELIMINARY

1. *Short title.*—This Act may be called the Parliament of India and its Members (Powers and Privileges) Act, 19 .

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "Parliament" means the Parliament of India.

(*b*) "Parliament Hall" means the hall or room where a meeing of Parliament is held and includes its galleries and lobbies and the Chamber of the Speaker;

(*c*) "Parliament Premises" includes the whole of the building with the compound, if any, in which Parliament is for the time being summoned to meet;

(*d*) "Committee" in section 16 means the Committee of Privileges; elsewhere it means any committee of Parliament;

(*e*) "Member" means a member of Parliament, a person who by virtue of the Constitution of India has a right to speak in or otherwise take part in the proceedings of Parliament;

(*f*) "newspaper" shall have the meaning assigned to it in the Press and Registration of Books Act, 1867 (XXV of 1867);

(*g*) "Secretary" means the Secretary to Parliament; and

(*h*) "Speaker" includes any person for the time being performing the duties of the Speaker.

PART II

General Privileges of Members

3. *Members exempt from personal appearance in civil and revenue courts.*—A member shall be exempt from personal appearance in any civil or revenue court during the continuance of a session of Parliament and during a period of fifteen days before its commencement and after its conclusion and where a session of Parliament is adjourned to a specified date, the adjournment being for a period not exceeding fifteen days, during the period of such adjournment.

4. *Members not liable to civil or criminal action in respect of any submission to Parliament.*—No suit, prosecution or other legal proceeding shall lie against a member on account of any matter or thing which he has submitted to or has given notice of his intention to submit to Parliament by petition, Bill, resolution, motion, question or by any other form of submission.

5. *Communication of information of arrest of member on criminal charge to Speaker.*—If any member is arrested or detained on a criminal charge or is, on convoction by any criminal court, sentenced to imprisonment, information of such arrest, detention or sentence together with the particulars of the charge made and of the charge proved against such member and of his conviction, shall forthwith, be communicated to the Speaker by the authority which has ordered the arrest or detention or imposed the sentence. The Speaker shall, if Parliament is in session on the day on which such information is supplied or if Parliament is not in session, on the opening day of the next session of Parliament, place before it the information, together with the particulars so received by him:

Provided that on a charge of treason, felony and breach of peace, Parliament shall not have any right to discuss the validity and otherwise of the arrest, detention or sentence.

6. *Exemption of salary and allowances from attachment or sale in execution of decree.*—Notwithstanding anything contained in the Code of Civil Procedure, 1908, the salary and allowances paid or payable to the Speaker, the Deputy Speaker, a Minister or a member shall be exempt from attachment in execution of a decree.

PART III

Privileges of Members during the Session of Parliament

7. *No process to be served within Parliament premises.*—Notwithstanding anything contained in any law for the time being in force, during the continuance of a session of Parliament and during a period of fifteen days before its commencement and after its conclusion, no civil or criminal process, shall be served on a member within Parliament premises.

8. *Attendance of a member detained in custody at Parliament meetings.*—(*1*) A member who is accused of a bailable offence and is arrested or is detained in custody, may intimate to the authority arresting or detaining him or, if the matter be pending in a court, may apply to the court that he desires to attend a meeting, of Parliament.

(*2*) On receiving such intimation or application, the authority or the court, as the case may be, shall, if Parliament has been summoned to meet or is in session, forthwith, release the member on his personal recognizance.

9. *Right of a seat of a member in public functions.*—Members of Parliament invited to public functions shall have their seats immediately after the Speaker, Deputy Speaker, Ministers and Deputy Ministers.

10. *Absence of a member.*—A member shall not remain absent from Parliament when in session for more than fifteen consecutive days without the permission of the Speaker.

11. *Respect to members and the House.*—No member shall show disrespect to another member in Parliament and to the House collectively.

PART IV

Publication of the Debates and Proceedings of Parliament

12. *Publication of Parliament proceedings by or under the authority of Parliament.*—Any publication of a report, paper, votes or proceedings in connection with Parliament by order of the Speaker shall be deemed to be published by or under the authority of Parliament and no suit, prosecution or other legal proceeding shall lie against a person in respect of anything done in pursuance of such authority or order.

13. *Immunity from legal action of publisher, etc.*—No suit, prosecution or other legal proceeding shall lie against an editor, printer or publisher of any newspaper or any person connected with the editing, printing or publishing of a newspaper on account of the publication of a faithful and correct report or a faithful, accurate and fair summary of the proceedings of Parliament.

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PART V

Contempt of Parliament and Disturbance of Parliament Proceedings

14. *Contempt of Parliament.*—(*1*) Whoever, not being a member or being a member in a place other than Parliament Hall—

(*a*) makes wilful misrepresentation of the debates or proceedings of Parliament;

(*b*) makes or publishes any libellous reflection upon the proceedings of Parliament;

(*c*) makes or publishes any maliciously false or scandalous charge or imputation or a libellous charge against a member concerning his conduct as such member;

(*d*) unduly influences any witness in regard to any evidence to be given by him before a Committee; and

(*e*) whoever whether within or without the Parliament Hall uses any criminal force to, or obstructs, assaults, threatens or insults any member—

(*i*) while he is on his way to attend a meeting of Parliament or while he is returning from Parliament after attending a meeting thereof; or

(*ii*) on account of any vote given, speech made, or other action taken, or not taken, by such member; or

(*iii*) with a view to influence the conduct of any member in respect of any matter pending in, or expected to be brought before, Parliament;

shall be guilty of contempt of Parliament.

Explanation 1.—A statement to the effect that any person will not vote for, or will not support, or will oppose, the re-election of a member if such member pursues a certain course of action, in relation to any matter pending in, or expected to be brought before Parliament shall not amount to a threat for the purpose of this sub-section.

Explanation 2.—In this sub-section the words "assault" and "criminal force" have the meanings respectively assigned to them in the Indian Penal Code, 1860.

(*2*) The provisions of sub-section (*i*) are in addition to, and not in derogation of, the provisions of any other law for the time being in force:

Provided that no person shall be punished twice for the same offence.

15. *Disturbance in Parliament proceedings.*—Whoever, not being a member, creates any disturbance within Parliament premises whereby the proceedings of Parliament are or are likely to be interrupted or obstructed shall commit an offence.

PART VI

Committee of Privileges

16. *Constitution of Committee of Privileges.*—(*1*) There shall be constituted a committee called the Committee of Privileges which shall consist of seven persons elected by Parliament from among its members according to the principle of proportional representation by means of a single transferable vote or in such other manner as the Speaker may determine.

(2) Such committee shall be constituted at the commencement of every session of Parliament. The members of the Committee shall hold office until a new Committee is constituted at the next session.

(3) The Committee shall elect a Chairman from among its members.

17. *Duties of Committee of Privileges.*—(1) It shall be the duty of the Committee of Privileges to enquire into—

(a) any matter falling under clauses (c) to (e) of sub-section (1) of section 14;

(b) any allegation made against a member that he has accepted or agreed to accept, or obtained or attempted to obtain any bribe, fee compensation or gift as an inducement or reward for doing or forbearing to do any act in the execution of his duties as a member or in respect of the promotion of, or support or opposition to, any Bill, resolution, question, matter or other thing submitted or intended to be submitted to Parliament;

(c) any other matter which Parliament may decide by a majority to refer.

(2) If the enquiry relates to the conduct of a member of the Committee such member shall not vote or otherwise take part in the proceedings of the Committee during such enquiry.

(3) The Committee shall in the case of every enquiry submit its findings to Parliament in the form of a report and Parliament shall, after discussion thereon, adopt or reject the report or make such other directions as it deems fit.

18. *Proceedings not invalid by reason of a vacancy or defect in the election of a member.*—No act or proceeding of the Committee of Privileges shall be deemed invalid by reason only of a vacancy in the Committee or a defect in the election of a member thereto.

19. *Power of Committee of Privileges to summon witnesses.*—(1) The Committee of Privileges may direct any person to attend before it either to give evidence or to produce a document in his possession or power.

(2) A person directed to attend before the Committee shall be served with a summons issued under the hand of the Secretary under orders of the Chairman of the Committee.

(2) A person directed to attend before the Committee shall be served person summoned is required to attend, and also whether his attendance is required for the purpose of giving evidence or to produce a document or for both purposes; and any particular document he is called on to produce shall be described in the summons with reasonable accuracy.

(4) Wherever practicable, service of the summons shall be made in person. But where after due and reasonable diligence the person summoned cannot be found, service may be effected by the serving officer leaving the summons at the usual or the last known place of residence of such person.

(5) A summons shall be served through the District Magistrate in whose jurisdiction the person summoned is found or within whose jurisdiction the usual or the last known place of residence of such person is situate. The

District Magistrate shall get the summons served by any person authorised by him in this behalf.

(6) Any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce the same.

(7) The Committee may require any witness attending before it to be examined upon an oath or affirmation and it shall be lawful for the Secretary or the Chairman of the Committee to administer such oath or affirmation.

(8) Every person summoned before the Committee shall answer, fully and faithfully any question put to him or produce the document required by the Committee and no such person shall be liable to any civil or criminal proceedings in respect of any such answer or by reasons of the production of any such document.

(9) Any proceedings taken against any person in contravention of the provisions of sub-section (8) shall be stayed on the production of a certificate signed by the Speaker under the Seal of Parliament declaring that the answer or the document which has given rise to such proceedings was given in evidence before the Committee or was produced in obedience to a summons issued by the Committee.

20. *Travelling and Daily Allowances to witnesses.*—A person summoned to attend before the Committee shall be entitled to receive such travelling and daily allowances as may be admissible under rules made in this behalf by the Central Government.

PART VII

Penalties and Procedure

21. *Punishment for an offence under section 14.*—Any person found guilty of contempt of Parliament within the meaning of section 14 shall, on conviction, be punished with simple imprisonment which may extend to one month or with fine which may extend to fifty rupees or with both.

22. *Punishment for an offence under section 15.*—Any person contravening the provisions of section 15 shall, on conviction, be punished with simple imprisonment which may extend to three months or with fine not exceeding one hundred rupees or with both.

23. *Institution and withdrawal of prosecution.*—(1) No prosecution for any offence under this Act shall be instituted and no such prosecution shall be withdrawn except upon a complaint or an application in writing, as the case may be, of the Secretary made by or under order of the appropriate authority.

(2) The expression "appropriate authority" in sub-section (1) means—

(a) in the case of an offence under clauses (c) to (e) of sub-section (1) of section 14 or an offence under section 15, the Speaker;

(b) in any other case, Parliament, on a report of the Committee of Privileges.

24. *Cognizance of offence.*—No court other than the court of a First Class Magistrate shall take cognizance of any offence under this Act.

25. *Trial of offences.*—Except as otherwise provided in, and subject to the provisions of this Act, the provisions of the Code of Criminal Procedure, 1898, and of the Indian Evidence Act, 1872, shall apply to the trial of offences under this Act.

PART VIII

MISCELLANEOUS

26. *No person other than a member to enter the Parliament Hall without Speaker's permission.*—(*1*) No person other than a member shall, during the continuance of a meeting of Parliament enter Parliament Hall without the express permission of the Speaker.

(*2*) Any such person so entering Parliament Hall without such permission may be removed by order or under the authority of the Speaker.

27. *No action to lie for any act done by or under the authority of Parliament.*—No suit, prosecution or other legal proceeding shall lie against any person for any act done or purporting to be done in pursuance of any provision of this Act.

28. *Applicability of the Act to Committees.*—The provisions of this Act applicable to Parliament shall so far as may be, also apply to a Committee and in such a case a reference in this Act to the Speaker shall be construed as a reference to the Chairman of the Committee and a reference to a member shall be construed as a reference to a member of the Committee.

29. *Power to make rules.*—(*1*) The Central Government may make rules for carrying out the purposes of this Act.

(*2*) A draft of the rules proposed to be made under sub-section (*1*) shall be laid upon the table of Parliament and no further proceedings shall be taken in relation thereto except in pursuance of a resolution of Parliament that the rules be made either in the form of the draft or in any amended form agreed to by it.

STATEMENT OF OBJECTS AND REASONS

The object of this Bill is to ensure the privileges and rights of members as defined in article 105 of the Constitution. I have exhaustively dealt in with various provisions in eight parts.

Part II deals with the general privileges of members. Members will be exempted from personal appearance in civil and revenue Courts during the continuance of session of Parliament. Similarly it is laid down that no suit or prosecution or other legal proceedings shall lie against a member on account of any matter which he has submitted to or has given notice of his intention of submitting to Parliament. It is also provided that in the event of any member having been arrested or detained or convicted by any Criminal court except on charge of treason, felony and breach of peace, intimation should be given to the Speaker on the day on which such information is supplied.

Part III provides privileges of members during the session of Parliament. No process will be served on any member within Parliament premises, fifteen days before or after the commencement of the session. It is also provided that any member who is accused of bailable offence and is arrested or detained in custody, shall apply to the court to attend the meeting of Parliament if he so desires. It is also provided in this part that in public functions, members of Parliament shall have the privilege to have seats immediately after the Prime Minister, Deputy Prime Minister, Speaker and Deputy Speaker and other Ministers.

Part IV deals with the publication of the debates and proceedings of Parliament. In the publication of all reports published in good faith, no proceedings shall lie against such a person, and the publisher is given immunity from legal action for such purpose.

Part V deals with the contempt of Parliament and the disturbance of Parliament proceedings. No member or any other person who is not a member of Parliament shall wilfully mis-represent the proceedings of Parliament or publish any libellous statement, reflect upon proceedings of Parliament, use any criminal force or obstruct or assault or threaten any member.

Part VI deals with the constitution and the duties of the Committee of Privileges. The Committee consisting of seven members elected by Parliament as Committee of Privileges would consider any matter which the Parliament may decide by majority to refer and also may look into any allegations made against the member when it is thought that he has accepted or agreed to accept or obtained bribe, fee or compensation as an inducement for doing something for the execution of his duties as the member of Parliament; and the Committee shall have power to summon witnesses and make report to the Speaker.

Part VII provides for the penalties and procedures regarding the various sections under which an offence is committed.

Part VIII provides that any person other than a member shall not be allowed to enter Parliament. The Secretary of Parliament will act as Secretary of the Privileges Committee, and no action will lie for any act committed by authority of Parliament.

R. K. SIDHVA.

BILL NO. 89 OF 1950

A Bill further to amend the Child Marriage Restraint Act, 1929.

BE it enacted by Parliament as follows:—

1. *Short title and commencement.*—(*1*) This Act may be called the Child Marriage Restraint (Amendment) Act, 195 .

(*2*) It shall come into force at once.

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2. *Amendment of Section 2, Act XIX of 1929.*—In section 2 of the Child Marriage Restraint Act, 1929 (Act XIX of 1929), (hereinafter referred to as the said Act), in clause (*a*),—

(i) for the word "eighteen" the word "twenty" shall be substituted; and

(ii) the following shall be added at the end, namely :—

"and in case the marrying male is over 45 years of age, under eighteen years of age."

3. *Amendment of Section 4, Act XIX of 1929.*—In section 4 of the said Act, the following shall be added at the end, namely :—

"In case the male who contracts child marriage is over 45 years of age he shall be punishable with imprisonment which may extend to three months and shall also be liable to fine which may extend to one thousand rupees."

STATEMENT OF OBJECTS AND REASONS

The Bill has twofold objects :

(*a*) to raise the age of marriage of boys from eighteen to twenty,

(*b*) to raise the age of marriage of girls to eighteen in case the marrying male is over 45 years of age.

Now that the marriageable age of girl has rightly been raised to fifteen, it is but meet that the age of the boys be raised to at least twenty years to avoid ill-matched marriages. The difference of three years between boys and girls is not sufficient and it ought to be at least five years.

The Bill also seeks to afford protection to girls under eighteen against ill-matched marriages, say with males over the age of 45 years usually widowers with children perhaps older than or equally old as these young girls.

The relative ages and consequent outlook on life of the couple being dissonant the period of married life is short and seldom happy. In a fairly large number of cases the young wife becomes a widow after enjoying a short span of married life even before she has grown to full womanhood. The conditions of widows in communities which prohibit re-marriage is exteremely deplorable. In other communities also the fate of the widow is full of great hardships and misfortunes.

The normal happy matrimonial felicity and companionship, characteristic of suitable matches, are wanting in such marriages which should be discouraged and interdicted. Justice demands that young girls be protected against social tyranny of such reprehensible type.

The Government is committed to protect childhood and youth against exploitation of all sorts by Article 39 of the Constitution and the imperative demands of social justice make it obligatory upon Parliament to enact that girls below 18 years of age who are minor under the eye of the Law should not, in any case, be allowed to marry a man above 45 years of age.

THAKUR DAS BHARGAVA.

BILL No. 77 OF 1950

A Bill to provide for the protection of certain Hindu religious institutions known as Mutts.

BE it enacted by Parliament as follows:—

CHAPTER I

1. *Short title and extent.*—(*1*) This Act may be called the Hindu Mutts Act, 19 .

(*2*) This Act shall apply to all Hindu religious institutions which are, or fall within the definition of Mutts, as defined in this Act.

(*3*) The Central Government or the Government of any State with the previous approval of the Central Government may by notification in the Official Gazette, by name, extend the provisions of this Act to, or exclude from the provisions of this Act, any Mutt or other institution liable to be regarded as a Mutt.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "Government" means, the Government of India;

(*b*) "State Government" means the Government of a State;

(*c*) "Mutt" means a Hindu religious institution established or maintained for the preservation and promotion of the tenets or traditions of any Hindu religious denomination or any section thereof and presided over by the Head of the Mutt;

(*d*) "Head of a Mutt" means a person who presides over the Mutt and occupies the position of a *Guru* to a body of disciples;

(*e*) "Endowments of a Mutt" means a property given or endowed by the donors for a specific religious purpose connected with the Mutt.

Explanation I.—Property in the possession of a Mutt which has been earmarked or whose income has been continuously spent for a specific religious purpose connected with the Mutt for more than twenty years shall be presumed to be a part of the Endowments of a Mutt.

Explanation II.—All immoveable properties which have come into possession of the Head of a Mutt on the date of his succession to the Mutt shall be presumed to be the Endowments of the Mutt.

Explanation III.—All properties whether moveable or immoveable, belonging to or endowed for a temple attached to a Mutt shall not be deemed to be part of the Endowments of a Mutt.

Explanation IV.—All properties whether moveable or immoveable acquired by the Head of a Mutt during his period, including *Pada Kanikkas* or other property gifted to the Head of Mutt without any specific trust attached to them and all income of whatever kind derived from the properties vested in, or in the possession of a Mutt, not being endowments of a temple attached to the Mutt, shall not be treated as Endowments of the Mutt.

(*f*) "Prescribed" means prescribed by Rules made by the Government under this Act.

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CHAPTER II

ENDOWMENTS OF THE MUTT

3. *Appointment of an agent by the Head of a Mutt.*—The Head of a Mutt shall by Power of Attorney appoint an Agent for the purpose of managing the Endowments of the Mutt. Such Agent shall be deemed to represent the Mutt for all purposes of the secular affairs of the Mutt.

4. *Procedure against the mismanagement of the Endowments of a Mutt and powers and duties of the Head of a Mutt.*—(*1*) Any twenty or more persons having interest in the Mutt may apply by petition to the Court alleging that the Endowments of a Mutt are being mismanaged or their income spent for improper purposes, and if the Court on enquiry is satisfied that the Endowments of the Mutt are mismanaged, the Court may by an order settle a scheme of administration for the Endowments of the Mutt.

(*2*) In settling such a scheme, the court may associate any person or persons having interest in the Mutt with the Agent appointed by the Head of the Mutt for purposes of managing the Endowments of the Mutt, and prescribe other regulations for the proper administration of the Endowments.

(*3*) The powers and duties of the Head of the Mutt and of his Agent in respect of the management of the Endowments of the Mutt shall be deemed to be the same as the powers and duties of a trustee under the Indian Trusts Act, 1882.

(*4*) No scheme settled under this section shall,—

(*i*) restrict in any manner the power of the Head of the Mutt to appoint the Agent for managing the Endowments of the Mutt; or

(*ii*) restrict or interfere with the power of the Head of the Mutt regarding management and the disposal of the income of the properties of the Mutt, other than the Endowments of the Mutt.

5. *Maintenance of a Register by the agent.*—The agent of a Mutt shall maintain a register showing,—

(*a*) the name of past and present Heads of the Mutt, and particulars as to the custom or usage, if any, regarding succession to the office of the Head of the Mutt;

(*b*) the particulars of all properties belonging or appertaining or annexed to the Mutt and the title deeds, if any, relating thereto; and

(*c*) such other particulars as may be prescribed.

CHAPTER III

MISCELLANEOUS

6. *Application of the funds or property of the Mutt.*—The Head of a Mutt, and every Manager, Agent, or other person managing or administering the affairs and property connected with the Mutt, shall be bound to apply the funds or properties of the Mutt in accordance with the terms of the

trust or usage of the Mutt or temple and the endowments or the income therefrom shall not be applied or used for objects or purposes inconsistent with or foreign to the objects or purposes for which the Mutt concerned was founded or established.

7. *Procedure for, exchange, gift, sale, mortgage and lease, of the immoveable property.*—Any exchange, gift, sale or mortgage and any lease for a term exceeding five years, of any immoveable properties being part of the Endowments of a Mutt shall be void unless the same is sanctioned by the court as being necessary or beneficial to the Mutt.

8. *Payment of costs incidental to any suit or legal proceeding.*—All costs and expenses of and incidental to any suit or legal proceeding under this Act shall be payable out of the funds of the temple or the Mutt unless the court orders for reasons to be recorded.

9. *Saving of established customs and usages.*—Nothing in this Act contained shall affect any established usage of a Mutt or the rights, honours, emoluments and perquisites to which any person may by custom or otherwise be entitled in such Mutt.

10. *Right to establish and maintain Mutts and management of their affairs.*—Nothing in this Act shall affect the right of any Hindu religious denomination or any section thereof to establish and maintain their own Mutts or like institutions for religious and charitable purposes or affect their right to manage the affairs of such institutions in matters of religion in accordance with their own desires and arrangements.

11. *Procedure for removal of the Head of a Mutt and appointment of another head.*—(*1*) Any twenty or more persons having interest and having obtained the consent in writing of the Advocate-General of the State in which the spiritual head of a Mutt is situated may institute a suit in the court to obtain a decree for removing the Head of a Mutt for any one or more of the following reasons, *viz.*,—

(*a*) for being of unsound mind;

(*b*) for suffering from any physical or mental defect or infirmity rendering him unfit to be the Head of a Mutt;

(*c*) for having ceased to profess the Hindu religion;

(*d*) for being convicted for any offence involving moral turpitude; and

(*e*) for the gross mismanagement of the Mutt and breach of any trust created in any respect of property of the institution.

(*2*) The court in deciding such a suit may give directions for the appointment of a new Head of the Mutt having due regard to the usages of the Mutt.

12. *Power to make rules.*—The Government may make Rules for the purpose expressly allowed under this Act and generally for carrying out the purpose of this Act.

13. *Repeals.*—On the coming into force of this Act, all provisions of any State law or of any scheme settled by any authority, or order or notification,

which are repugnant to the provisions of this Act, shall to the extent of the repugnancy be inoperative and of no effect.

14. *Audit of the Accounts of Mutt.*—(*1*) The accounts of every Mutt shall be audited annually by a registered accountant and auditor.

(*2*) The auditor shall make a report in such form as may be prescribed, specifying in such report all cases of irregular, illegal, or improper expenditure, or failure to recover moneys or other properties due to or belonging to the institution and all cases of breach of trust and acts of misfeasance or malfeasance. The Auditor shall also verify the assets and endowments with the relative registers and append a certificate to his report recording such verification.

(*3*) The auditor's report shall be published in such manner as may be prescribed.

15. *Procedure for modification of scheme already in force.*—If there is a scheme of administration already in force in respect of a Mutt framed by a competitive authority, the Head of the Mutt or any twenty persons having interest may apply to the court for modifying the provisions of such scheme so as to bring it into conformity with this Act.

STATEMENT OF OBJECTS AND REASONS

The Constitution has included religious endowments and religious institutions in the concurrent list, evidently in the view that on fit occasions, Union legislation on these subjects will be necessary or appropriate.

There are numerous institutions, known as Mutts or by similar names, which have been established and maintained for preserving and promoting the tenets and traditions of particular Hindu religious denomination. The Heads of these institutions are held in special reverence by their followers, and many of them have disciples living in several States. These institutions fall within the language and intent of Article 26 of the Constitution by which they have been given special rights regarding the management of their internal affairs. Many of these institutions have properties in more than one State. It is necessary and appropriate that these institutions are brought under a special Union legislation providing for their proper governance. Hence, this Bill is proposed to be introduced in Parliament.

MUKUT BEHARI LAL BHARGAVA.

BILL No. 88 OF 1950

A Bill further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Code of Criminal Procedure (Amendment) Act, 19 .

2. *Amendment of section 496, Act V of 1898.*—In section 496 of the Code of Criminal Procedure, 1898 (V of 1898), (hereinafter referred to as the said Code)—

(i) for the words "other than a person accused of a non-bailable offence" the words "is accused, complained or suspected of any bailable offence or" shall be substituted; and

(ii) after the words "before a Court" the words "as being accused, complained or suspected of any such offence" shall be inserted.

3. *Amendment of section 497, Act V of 1898.*—In sub-section (1) of section 497 of the said Code—

(i) for the words "accused of any non-bailable offence" the words "is accused, complained or suspected of any non-bailable offence or" shall be substituted; and

(ii) after the words "before a Court" the words "as being accused, complained or suspected of any such offence" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to set at rest the doubt expressed by many courts that unless the accused is apprehended or surrenders his person he cannot be released on bail in accordance with the provisions of sections 496 and 497 of the Criminal Procedure Code. Many accused persons abscond for fear of police apprehension and would gladly stand a trial and vindicate themselves before a court of law if they were assured that they would not be unnecessarily remanded to Police custody. When it is remembered that a very large percentage of persons prosecuted is discharged or acquitted by courts and malicious prosecutions and false implications by enemies in bailable and non-bailable offences are not rare the need of a change in the Law or to get the doubt at rest in this regard becomes imperatively necessary. This Bill if enacted will enable the accused to seek bail from courts even before they surrender themselves and in proper cases the courts will be able to save the honour and reputation of innocent accused and offer them protection from the trouble and indignity of police custody.

2. At present even if the accused is lying ill in hospital and is unable to attend personally he cannot apply for bail according to the interpretation of the law by the courts.

In a free country practical immunity from avoidable injury to reputation, honour and freedom from unnecessary restraint and harassment constitute the very basis of fundamental rights of the citizen and the Bill is designed to safeguard them by investing the courts with necessary powers to give relief whereever necessary or justifiable. The courts are armed by law in matters of bail and no change is sought to be introduced in the basic principle which regulate the exercise of the powers to grant or refuse or cancel bail whenever expedient or necessary. The change is only in respect of persons who can invoke the aid of courts to save themselves from rigidity of the system which practically enjoins police custody before the application of bail is disposed of on merits.

THAKUR DAS BHARGAVA.

NOTES ON CLAUSES

Clauses 2 and 3.—The change sought to be made is clear enough and there is no need of any explanation.

BILL No. 75 OF 1950

A Bill further to amend the Code of Civil Procedure, 1948

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Code of Civil Procedure (Amendment) Act, 19

2. *Amendment of section 100, Act V of 1908.*—To sub-section (*1*) of section 100 of the Code of Civil Procedure, 1908 (V of 1908), the following shall be added at the end, namely:—

"(*d*) the original decree of the trial Court having in appeal been varied, cancelled or reversed:

Provided that a High Court while hearing a second appeal on any of the grounds (*a*), (*b*) or (*c*) above may in its discretion determine the correctness or otherwise of the decision on points of facts also, if it thinks that the decision of the Court below is erroneous or unjust."

STATEMENT OF OBJECTS AND REASONS

Section 100 of the Code of Civil Procedure deals with the grounds of second appeal in civil suits. The grounds given there are as follows:—

(*a*) the decision being contrary to law or to some usage having the force of law;

(*b*) the decision having failed to determine some material issue of law or usage having the force of law;

(*c*) a substantial error or defect in the procedure provided by this Code or any other law for the time being in force which may possibly have produced error or defect in the decision of the case upon merits.

The rigour of section 100 has been much smoothened by a literal interpretation by the High Courts in India. But that is not all. It is also the duty of the Legislature to be prepared to review its Acts in the light of experience and it is time that we may try to appreciate the difficulties and remove the handicaps from which the highest Courts of Justice in India are suffering.

It is to meet this need that the present amendment is being moved. Its object is twofold. It gives the High Court full liberty in cases where the lower appellate court has modified or reversed the decree of the trial court. In such a case the High Court must be allowed to judge the validity of the judgment for itself on merits. In cases where the two judgments are concurrent, and the High Court on hearing the case finds that there has been a serious error on facts also, it must be given discretion to interfere when it thinks fit, and we can safely rely upon the proper exercise of discretion by the Highest Courts of Justice in India.

MOHAMMAD AHMAD KAZMI.

Bill No. 73 of 1950

A Bill further to amend the Indian Penal Code, 1860

Be it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Indian Penal Code (Amendment) Act, 19 .

2. *Amendment of section 302, Act XLV of 1860.*—In section 302 of the Indian Penal Code (XLV of 1860) and wherever else the words 'transportation for life' occur in the said Code, substitute the following words :—

"imprisonment of either description for a term which may extend to fourteen years".

STATEMENT OF OBJECTS AND REASONS

The punishment to which offenders are liable under the provisions of the Indian Penal Code are given in Section 53 of the said Code and are as follows :—

Firstly—Death,

Secondly—Transportation,

Thirdly—Penal Servitude,

Fourthly—Imprisonment which is of two descriptions, namely—

1. Rigorous, that is with hard labour, and
2. Simple.

Fifthly—Forfeiture of property, and

Sixthly—Fine.

Transportation can be for any period and may even extend for life. It was intended to be a separate and distinct punishment. The original object of transportation was two-fold. Firstly it was intended to be a deterrent punishment as the idea of transportation to Black Waters was generally abhorred by the Indians and secondly to colonise the places which were expected to develop considerably by the import of labourer.

In 1919 the Government of India appointed a Committee to enquire into the conditions of jails in India and also to make recommendations in respect of the Penal Settlement in the Andamans. This Committee found "the moral atmosphere of the Settlement.....thoroughly unhealthy".

They observed :—

"There can moreover be no reasonable doubt that it must always be more expensive to transport a prisoner to the Andamans and to guard, feed, clothe and otherwise maintain him there than it would be to keep him in his own province in India....."

Dealing with the necessity of transportation on moral grounds they observed "We are not convinced that any sufficient reason exists to justify the undertaking of such large expenditure. The great majority of persons who are deported to the Andamans do not belong to the worst or most dangerous class of Indian criminal. Out of the total population of 12,000 about 2/3rd or 8,000 are persons who have been convicted of murder.....The men who commit

these crimes are often some of the least corrupted members of the prison population, and there is, therefore, no special reason why they should be selected for deportation to Andamans. They might quite as well be retained to undergo their sentences in an Indian prison and a circumstance which bears materially upon this point is the fact that under the present conditions out of every hundred prisoners who are sentenced to transportation not more than fifty are actually deported to the Andamans owing to the stringent rules which have been laid down in consequence of the labour requirements and health conditions of the settlement. It seems to us, therefore, that if half of the prisoners who are now sentenced to transportation already remain in India, other half, who at present are deported, should not with some exceptions, also remain in India." The exceptions pointed out by the Committee are the frontier fanatics and desperate dacoits who are a source of danger to the security of life and property in the locality to which they belong and to whose retention in Indian Jails they attributed some of the misuse of fetters and other means of retrains which they had noticed in some of the provinces.

Summarising their views the Committee says:—"As deportation to Andamans has lost its deterrent effect, as it involves increased cost, as it exposes the prisoners to depressing climatic conditions, and in the case of average prisoners it is not needed from the administrative point of view....."

The Committee recommended the abolition of the punishment of transportation. As early as 1922 the Government of India had decided to abolish the punishment for transportation but had given up the task as they thought that by adopting a simple formula of commutation as contained in section 55 of the Indian Penal Code, they were likely to increase the severity of the sentence passed on the prisoner. Section 55 provides that the Government can 'without the consent of the offenders' commute the sentence of transportation for life to imprisonment of either description for a term not exceeding 14 years. In practice, however, even at that time more than 50 per cent of the prisoners under the sentence of transportation were kept in jails and now that the transportation has, due to the present conditions, become out of question, all the prisoners of that class are kept in jails.

The deletion of the word 'transportation' from the Penal Code would thus result in no practical change so far as the administration of prisons is concerned, I hope a time will come when the scheme of Sir Henry Stanyon or some other such scheme will be worked out for the reform of the prisons.

The object of the present Bill, is, however, a limited one. It will cause no change whatever so far as administration is concerned, but will give relief to the prisoners concerned, as well as relieve the Government of the higher costs of transportation even if transportation become feasible in near future. Part one of section 304 provides for transportation for life or imprisonment of either description for a term which may extend to ten years. The court has got no power to award imprisonment of 11 or 12 years. There is no intermediate between transportation for life and imprisonment for ten years. By the substitution of imprisonment for a term of years for transportation for life we will leave it in the power of the courts and specially the High Court to reduce the sentence to proper limits within their discretion. I have kept a period of 14 years as equivalent to 'transportation for life' as provided by section 55 of the Indian Penal Code. Any change in this term for good reasons would be acceptable to me.

MOHAMMAD AHMAD KAZMI.

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BILL No. 92 OF 1950

A Bill further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 19 .

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. *Amendment of Section 492, Act V of 1898.*—In sub-section (2) of Section 492 of the Code of Criminal Procedure, 1898,—

(*i*) after the words "appoint any other person" the words "from the practising pleaders" shall be inserted;

(*ii*) the words "not being an officer of police below such rank as the Provincial Government may prescribe in this behalf" shall be omitted; and

(*iii*) after the words "for the purpose of any case" the words "or for any specified class of cases" shall be added.

STATEMENT OF OBJECTS AND REASONS

The Constitution provides that the separation of Judiciary from the Executive should be introduced in States as early as possible. It would be proper if the States appoint Public Prosecutors under section 492 (2) of the Code of Criminal Procedure, 1898 from the practising pleaders on daily fees for conducting Government and Police cases in the courts of magistrates as well.

Almost all the High Courts in India have suggested that Public Prosecutors and Assistant Public Prosecutors should not represent the police and should not act according to the wishes of the police but should act in courts fairly and fearlessly and should place correctly all the points of law.

The object of the Bill is that the States may be directed to appoint Public Prosecutors or Assistant Public Prosecutors on daily fees for the magisterial courts subject to the restrictions as laid down in the practice and procedure manuals as enforce in the respective States.

Public Prosecutors should not be taken from members of the Police who become both prosecutors as well as investigators of cases and hence for the ends of justice Public Prosecutors and Assistant Public Prosecutors may be appointed from the practising pleaders and they should receive instructions from the District Magistrates. Police should not have any control, supervision and should not give any directions to Public Prosecutors directly or indirectly. These days in U. P., Madras and other places lawyers who have been appointed Public Prosecutors for conducting police cases in the courts of Magistrates, have been placed directly under the orders and supervision of the police and they are given fixed monthly pay instead of daily fees. Such a practice is undesirable and must be abolished without any further delay.

KAILASH PATI SINHA.

M. N. KAUL,
Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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NOTIFICATION.

No. H.B. 998—Ptl. 4-51-2, Bangalore, dated the 1st May 1951.

Ordered that the following Notification No. III—PMT. (X-105)—50—N. (3), dated 10th April 1951 of the Government of India, Ministry of Rehabilitation, further amending the Permit System Rules, 1949, be republished in the *Mysore Gazette* for general information.

"No. III/PMT (X-105)/50-N (3).—In exercise of the powers conferred by section 4 of the Influx from Pakistan (Control) Act, 1949, (XXIII of 1949), the Central Government hereby directs that the following further amendment shall be made in the Permit System Rules, 1949, namely :—

In rule 29 of the said rules, after sub-rule (4) the following sub-rule shall be inserted, namely :—

"(5) Notwithstanding anything contained in sub-rule (4) the authority cancelling a permit may at any time direct that the person whose permit is cancelled shall be taken into custody and expelled from India."

By Order of His Highness the Maharaja,

E. V. GANAPATHY IYER,
Chief Secretary to Government.

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NOTIFICATION

No. L. D. 194—Legis. 4-51-6, Bangalore, dated the 4th May 1951.

Ordered that the following Coal Mines Safety (Stowing) Amendment Act, 1951, (Central Act No. XVII of 1951) published in the *Gazette of India*, Part II, Section 1, dated the 26th April 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 25th April 1951.

The Coal Mines Safety (Stowing) Amendment Act, 1951 (XVII of 1951.)

An

ACT

further to amend the Coal Mines Safety (Stowing) Act, 1939.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Coal Mines Safety (Stowing) Amendment Act, 1951.

2. *Amendment of section 5, Act XIX of 1939.*—In Section 5 of the Coal Mines Safety (Stowing) Act, 1939, for the words "three annas" the words "nine annas" shall be substituted.

K. V. K. SUNDARAM,
Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 2-A

BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON AND ACTS AND ORDINANCES OF MYSORE.

NOTIFICATION.

No. L.D. 312—Legis. 25-51-1, Bangalore, dated the 14th May 1951.

Ordered that the accompanying Mysore Live-stock Improvement Act, 1951 which received the assent of His Highness the Maharaja, on the 30th day of April 1951, be published as Act No. XIX of 1951, in the *Mysore Gazette*, for general information.

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MYSORE ACT No. XIX OF 1951.

THE MYSORE LIVESTOCK IMPROVEMENT ACT, 1951

ARRANGEMENT OF SECTIONS.

Sections

1. Short title, extent and commencement.
2. Definitions.
3. Conferment of powers or duties of the Director.
4. Bulls which have attained a certain age to be licensed.
5. Refusal and revocation of licenses.
6. Surrender of license.
7. Grant of duplicate license.
8. Inspection of bulls.
9. Power to order castration of bulls.
10. Production of license.
11. Penalties.
12. Power of licensing officer to castrate bulls.
13. Power of licensing officer, etc., to inspect or mark bulls and to enter premises.
14. Duty of officers to report offences.
15. Cognizance of offences.
16. Officers to be public servants.
17. Bar of certain proceedings.
18. Limitation for certain suits and prosecutions.
19. Revision.
20. Power to make rules.
21. Saving.

MYSORE ACT No. XIX OF 1951.

THE MYSORE LIVESTOCK IMPROVEMENT ACT, 1951.

(Received the assent of His Highness the Maharaja of Mysore on the 30th day of April 1951).

An Act to provide for the improvement of livestock in the State of Mysore.

WHEREAS it is expedient to provide for the improvement of livestock in the State of Mysore ;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Livestock Improvement Act, 1951.

(2) It extends to the whole of the State of Mysore.

(3) This section shall come into force at once, and the State Government may, from time to time, by notification in the *Mysore Gazette*, apply all or any of the remaining provisions of this Act to the whole or any portion of the State from such date and for such period, if any, as may be specified in the notification, and may cancel or modify any such notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,

(*a*) "Director" means the officer appointed by the State Government as the Director of Animal Husbandry Services in Mysore and includes any other person on whom the powers or duties of the Director under this Act have been conferred or imposed under section 3 ;

(*b*) "license" means a license granted under section 4 ;

(*c*) "licensing officer" means the Director or any other officer or person authorised to grant licenses under section 4 ;

(*d*) "prescribed" means prescribed by rules made under this Act ;

(*e*) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody ; and

(*f*) a bull is said to be "castrated" if it is rendered incapable of propagating its species.

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Conferment of powers or duties of the Director.

3. The State Government may, by general or special order, confer or impose on any person all or any of the powers or duties of the Director under this Act.

Bulls which have attained a certain age to be licensed.

4. (1) No person shall keep a bull which has attained the age corresponding to the eruption of the two central incisor teeth for the purpose of serving cows except under and in accordance with the terms, conditions and restrictions of a license granted under this section.

Explanation.—Where a person keeps more than one bull he shall obtain a separate license in respect of each bull.

(2) Every license under this section shall be granted by the Director or any officer or person not below the rank of Veterinary Inspector authorised by him by general or special order. It shall be in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed. No fee shall be charged for the grant of the license.

Refusal and revocation of licenses.

5. (1) Subject to such rules as may be prescribed, the licensing officer may refuse to grant or may revoke a license in respect of any bull if in his opinion the bull appears to be—

(*a*) of defective or inferior conformation and consequently likely to beget defective or inferior progeny, or

(*b*) suffering from an incurable, contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purposes, or

(*c*) of a breed which is undesirable to propagate in the district or part of the district in which it is kept.

(2) The licensing officer may also revoke a license granted in respect of any bull kept within his jurisdiction (whether such license was granted by himself or by any other officer) if in his opinion—

(*a*) the license was granted under circumstances of which the licensing officer was not aware at the time of granting the license; or

(*b*) there has been a breach of any of the terms, conditions or restrictions of the license.

(3) If a license is revoked under this section, the officer revoking the license shall give notice thereof to the person keeping the bull or to the person stated in the

license to be the owner of the bull. The notice shall set out the grounds for the revocation.

(4) Where the officer or person refusing to grant or revoking a license under sub-clause (1) or sub-clause (2) is not the Director, an appeal shall lie against such order to the Director.

(5) No person shall be entitled to any compensation for the refusal or revocation of any license under this section.

Surrender of license.

6. A license granted in respect of a bull shall be surrendered without delay to the licensing officer, if,

(*a*) the period specified in the license expires, or

(*b*) the license is revoked under this Act, or

(*c*) the bull dies or is certified by the prescribed officer to have been effectively castrated by a method and in a manner approved by the Director.

Grant of duplicate license.

7. If the licensing officer is satisfied that the license granted under section 4 has been lost or destroyed, such officer may, subject to such conditions and payment of such fees, as may be prescribed, issue to the holder of the license a duplicate thereof, and all the provisions of this Act with respect to the license so lost or destroyed shall apply to the duplicate as if it were the original license.

Inspection of bulls.

8. The licensing officer may by order require any person keeping a bull to submit it for inspection by himself or by any officer or person deputed by him for the purpose, at any reasonable time, at the place where the bull is kept for the time being and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly, and render all seasonable assistance in connection with such inspection to the officer concerned.

Power to order castration of bulls.

9. (1) The licensing officer may, by order, require any person keeping a bull required to be licensed under Section 4 and in respect of which no license is for the time being in force under this Act, to have it effectively castrated, within three months from the date of service of the order.

(2) Such castration shall be performed or caused to be performed by the licensing officer free of charge, unless the owner or other person keeping the bull desires to make his own arrangements for complying with the order.

Production of license.

10. It shall be the duty of any person who for the time being keeps a bull in respect of which a license has been obtained and is in force, to produce such license:

(*a*) within a reasonable time, at any place where the bull is for the time being, on demand made by a licensing officer or any officer of the Animal Husbandry Department not below the rank of Veterinary Inspector, or

(*b*) before a cow is served by the bull, on demand made by the person in charge of the cow.

Penalties.

11. Whoever—

(*a*) keeps a bull, in contravention of the provisions of this Act or of any rule or order made thereunder or of any terms, conditions or restrictions of a license; or

(*b*) neglects or fails to submit a bull for inspection when required to do so under section 8, or

(*c*) neglects or fails to comply with an order served under section 9; or

(*d*) neglects or fails to produce a license when required to do so under section 11,

shall be punishable with fine which may extend to fifty rupees and in case of a second or any subsequent offence, with fine which may extend to one hundred rupees.

Power of licensing officer to castrate bulls.

12. (1) If a person who keeps a bull neglects or fails to have it castrated when required to do so under section 9, the licensing officer may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark, in the prescribed manner, free of charge.

(2) (*a*) If it is not known in whose ownership, possession or custody a bull is for the time being, and the fact cannot be ascertained after an enquiry in the prescribed

manner, the licensing officer may seize the bull or cause it to be seized, and if he is of opinion that the bull has attained the age specified in section 4 and is unsuitable for breeding purposes on any of the grounds specified in sub-section (1) of section 5, may direct that the bull be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(*b*) Every bull seized under clause (*a*) shall, after it has been castrated and marked as aforesaid where necessary, be sold by public auction or sent to a pinjrapole or infirmary, recognised by the State Government in this behalf.

(*c*) In case the owner of any bull seized under clause (*a*) appears before the licensing officer within such time as may be prescribed in this behalf and proves to the satisfaction of such officer that the bull is owned by him:

(i) in case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deducting therefrom the costs, charges and expenses incurred for the maintenance and sale of the bull; and

(ii) in any other case, the bull shall be delivered to the owner on payment of the costs, charges and expenses incurred for its maintenance.

(*d*) The costs, charges and expenses referred to in sub-clauses (i) and (ii) of clause (*c*) shall be determined in the prescribed manner.

Power of licensing officer, etc., to inspect or mark bulls and to enter premises.

13. For the purposes of this Act, a licensing officer or any officer or person authorised by him in this behalf shall have power at all reasonable times,

(*a*) to inspect any bull;

(*b*) to mark any bull with a prescribed mark in the prescribed manner; and

(*c*) subject to such conditions and restrictions, if any, as may be prescribed, to enter any premises or other place where he has reason to believe that a bull is kept.

Duty of officers to report offences.

14. It shall be the duty of all village officers and servants and of all officers of the Animal Husbandry, Agricultural and Revenue Departments :

(a) to give immediate information to the nearest licensing officer, of the commission of any offence, punishable under this Act which may come to their knowledge ;

(b) to take all reasonable measures in their power to prevent the commission of any such offence which they may know or have reason to believe is about or likely to be committed ; and

(c) to assist any licensing officer in carrying out the provisions of this Act.

Cognizance of offences.

15. No Magistrate shall take cognizance of any offence under this Act except upon a complaint made by a licensing officer or any person authorised by such officer in this behalf.

Officers to be public servants.

16. The Director, every licensing officer, all officers and persons authorised by the Director or licensing officer under this Act, and all village officers and servants shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (XLV of 1860).

Bar of certain proceedings.

17. (1) No suit, prosecution or other proceeding shall lie against any officer or servant of the State Government for any act done or purporting to be done under this Act without the previous sanction of the State Government.

(2) No officer or servant of the State Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

Limitation for certain suits and prosecutions.

18. No suit shall be instituted against the State Government and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the State Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

19. The State Government may, at any time, either *suo moto* or on application, call for and examine the record of any order passed by, or any proceedings recorded by any officer or person under this Act, for the purpose of satisfying themselves as to the legality or propriety of such order or as to the regularity of such proceedings, and may pass such orders in reference thereto as they think fit. **Revision.**

Nothing contained in this section shall apply to the orders or proceedings of any Court or Magistrate.

20. (1) The State Government may make rules to carry out the purposes of this Act. **Power to make rules.**

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) all matters expressly required or allowed by this Act to be prescribed;

(*b*) the circumstances in which duplicates of licenses may be granted, the fees which may be charged for the grant of such duplicates, and the conditions, restrictions and limitations subject to which they may be granted;

(*c*) the powers to be exercised and the duties to be performed by officers appointed under this Act, and the procedure of such officers; and

(*d*) the service of notices and orders issued under this Act.

(3) In making a rule under sub-section (1) or sub-section (2), the State Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to fifty rupees.

(4) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(5) All rules made under this section shall be published in the *Mysore Gazette* and upon such publication shall have effect as if enacted in this Act.

21. (1) Save as provided in sub-section (2), nothing contained in this Act shall apply to a bull dedicated in good faith to a religious purpose in accordance with any religious usage or custom, provided that notice of the dedication is given in the prescribed manner to the licensing officer.

(2) If the licensing officer is of opinion that any such bull as is referred to in sub-section (1) is of the description set out in sub-clause (*a*), or sub-clause (*b*) or sub-clause (*c*) of sub-section (1) of section 5, he may cause such bull to be effectively castrated by a method and in a manner approved by the Director or cause such bull to be removed to a prescribed place.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

Reg. No. M. 1175

The Mysore Gazette

(PUBLISHED BY AUTHORITY)

EXTRAORDINARY

BANGALORE, FRIDAY, MAY 25, 1951.

PART IV

Section 2-A

BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON AND ACTS AND ORDINANCES OF MYSORE.

NOTIFICATION.

No. L.D. 477—Legis. 30-51-1, dated Bangalore, 24th—25th May 1951.

Ordered that the accompanying Mysore State Aid t Industries Act, 1951, which received the assent of Hi Highness the Maharaja on the 14th day of May 1951 b published as Mysore Act No. XX of 1951, in the *Mysor Gazette* for general information.

THE MYSORE STATE AID TO INDUSTRIES ACT, 1951

ARRANGEMENT OF SECTIONS.

Sections

1. Short title, extent and commencement.
2. Definitions.
3. Director of Industries.
4. Board of Industries.
5. No aid except in accordance with the provisions of this Act.
6. Industries to be aided.
7. Method of giving State aid.
8. Application for State aid and procedure in dealing with applications.
9. Grant of loans.
10. Loans how secured.
11. Inspections and returns.
12. Control of business assisted.
13. Repayment of loans.
14. Guaranteeing of loans by Banks.
15. Exemption of small and Cottage Industries.
16. Subscriptions for shares or debentures or guarantee of a minimum return on capital.
17. Subsidy by the Government.
18. Disposal of profits when condition of State aid is not fulfilled.
19. Methods of recovery of money due.
20. Power to Government to terminate aid on account of fault.
21. Fees.
22. State aid granted prior to commencement of Act.
23. Powers of Government as regards starting or conducting industries and giving aid of certain kinds.
24. Power to make rules.

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MYSORE ACT No. XX OF 1951.

THE MYSORE STATE AID TO INDUSTRIES ACT, 1951.

(Received the assent of His Highness the Maharaja on the 14th day of May 1951.)

An Act to regulate State aid to Industries.

WHEREAS it is expedient to regulate the giving of aid by the Government to industries in the State of Mysore ; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore State Aid to Industries Act, 1951. Short title, extent and commencement.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once.

2. In this Act, Definitions.

(1) "cottage industry" means any industry carried on by a person at home not being a factory ;

(2) "Government" means the State Government ;

(3) "prescribed" means prescribed by rules made under this Act ;

(4) "village industry" means any industry which forms the normal occupation, whether whole time or part-time, of any class of the rural population of the State.

3. The Government may appoint any officer or other person to perform all or any of the functions of the Director of Industries under this Act. Director of Industries.

4. (1) There shall be constituted a Board of Industries consisting of ten members. Board of Industries.

(2) Five members shall be nominated by the Government, one member shall be elected by the Mysore Chamber of Commerce and three members shall be elected by the Mysore Legislative Assembly from amongst its members. The Manager of the Bank of Mysore, Limited, Bangalore, shall be the *ex-officio* member of the Board.

(3) One of the members of the Board shall be appointed by the Government as Chairman.

(4) The election of one member by the Mysore Chamber of Commerce and of three members by the Mysore Legislative Assembly shall be conducted in such manner as may be prescribed. A return of the name of every person elected shall be made to the Government by the President of the Mysore Chamber of Commerce or the Secretary of the Mysore Legislative Assembly, as the case may be, and such return shall be published in the *Mysore Gazette*.

(5) The Board of Industries shall assist the Government in dealing with applications for the grant of State aid under this Act.

(6) No member shall vote on or take part in the discussion of any question coming up for consideration at a meeting of the Board of Industries if the question is one in which he has any direct or indirect pecuniary interest by himself or his partner or in which he is interested professionally on behalf of a client or as agent for any person other than the Government or a local authority.

No aid except in accordance with the provisions of this Act.

5. No aid shall be given by the Government to any industrial business or enterprise except in accordance with the provisions of this Act.

Industries to be aided.

6. (1) The industries to which aid may be given under this Act shall be such as have an important bearing on the economic development of the country and shall be :

(*a*) new or nascent industries, or

(*b*) industries to be newly introduced into areas where such industries are undeveloped, or

(*c*) cottage industries, or

(*d*) old or established industries :

Provided that aid shall not be given to any old or established industry unless the Government is satisfied that special reasons exist for giving such aid.

(2) No such aid shall be given to any joint-stock company unless :

(*a*) the same is registered in India on a rupee capital, and

(b) the company conforms to such rules as may be made by the Government from time to time requiring that a minimum number or a proportion of the members of its board of management shall be citizens of India :

Provided further that every recipient of aid under this Act shall make such provision for the training of apprentices as the Government may, from time to time, prescribe.

(3) The decision of the Government as to whether the conditions of this section are fulfilled shall be final and shall not be called in question in any court of law.

Method of giving State aid.

7. Subject to the provisions of this Act and of the rules framed thereunder, the Government shall have power to give aid to an industrial business or enterprise in one or more of the following ways :—

(a) by granting a loan ;

(b) by guaranteeing a cash credit, over-draft or fixed advance with a bank ;

(c) by paying a subsidy, in the case of a cottage industry for any purpose, and in the case of any other industry for the conduct of research or the purchase of machinery ;

(d) by subscribing for shares or debentures ;

(e) by guaranteeing a minimum return on part of the capital of a joint-stock company ;

(f) by making a grant on favourable terms of land, raw material, firewood or water ;

(g) by supplying at concessional rates electric energy from a source owned by the Government or any machinery or part of a machinery.

Application for State aid and procedure in dealing with applications.

8. (1) Any person desiring to obtain a loan or other aid for any industrial business or enterprise shall make his application to the Director of Industries in such form and shall furnish such information concerning his business as may be prescribed.

(2) If the extent of the aid applied for exceeds Rs. 50,000 and in any other case in which he considers this procedure necessary, the Director of Industries shall

publish a notice in the prescribed manner calling upon any person who objects to the grant of the aid applied for, to state his objections at a time and place to be specified, and shall hear such objections and make such inquiry as may be necessary.

(3) Every application for aid shall be placed before the Board of Industries for advice.

(4) No aid shall be granted under this Act if the Board by a resolution supported by not less than eight members advises the rejection of the application.

Limit of loans.

9. No loan shall be granted of an amount exceeding fifty per cent of the net value of the assets of the industrial business or enterprise and of any other property offered as collateral security for the loan, after deducting in both cases existing encumbrances, such value to be ascertained by such person as may be appointed by the Government and in accordance with such rules as may be prescribed; for the purpose of this valuation the additional assets which may be created by the expenditure of the sums granted may be taken into account to such extent as may be prescribed.

Loans how secured.

10. Every loan granted under this Act, shall be secured by a mortgage or floating charge upon the whole of the assets of the business or enterprise, subject to any encumbrances existing at the time of the grant, and by such collateral security, if any, as may be required by the Government, and shall bear interest payable on such dates and at such rates as the Government may determine.

Inspection and returns.

11. In any case in which a loan has been applied for under this Act, the applicant, and at any time during the currency of a loan that has been granted under it, the grantee, shall be bound—

(*a*) to comply with any general or special order of the Government relative to the inspection of the premises, buildings, or plant or stock in hand of the industrial business or enterprise;

(*b*) to permit the inspection of all accounts relative to the industrial business or enterprise;

(c) to furnish full returns of all products manufactured or sold both as regards description and quantity ;

(d) to maintain such special accounts or to furnish such statement as the Government may, from time to time, require ;

(e) to submit the accounts of the industrial business or enterprise to such audit as the Government may prescribe.

Control of business assisted.

12. In any case in which a loan or loans is or are granted under this Act, amounting to two lakhs of rupees or upwards, the Government shall, and in any other case may, by the appointment of Government directors or otherwise, take power to ensure such control over the conduct of the business or enterprise as shall suffice in its opinion to safeguard its interests.

Repayment of loans.

13. (1) Every loan granted under this Act shall be made repayable by instalments within such period from the date of the actual advance of the loan, or when the loan is advanced in instalments, from the date of payment of the last instalment, as may be fixed by the order granting the loan.

(2) The period fixed as aforesaid shall not exceed ten years unless the Government shall, by general or special order, extend the same.

Guaranteeing of loans by banks.

14. No guarantee of a cash credit, overdraft or fixed advance with a bank shall be given except under the conditions prescribed in sections 9 to 12 in respect of loans.

Exemption of small and cottage industries.

15. Save as otherwise may be prescribed by rules made under this Act, nothing in sections 9, 10, 11 and 14 shall apply to any industrial business or enterprise with a capital outlay not exceeding two thousand rupees or to cottage industries.

Subscriptions for shares or debentures or guarantee of a minimum return on capital.

16. The condition of subscription by the Government for shares and debentures of any industrial business or enterprise or the guarantee by the Government of a minimum return on the capital of a joint-stock company shall be that the business or enterprise shall be subject to the conditions of section 11 in respect of

inspection and returns as well as to the provisions of section 12 in respect of Government control:

Provided that—

(*a*) for all shares subscribed by the Government, there must be taken up and fully paid for not less than such number of shares as may be fixed by special or general order of the Government;

(*b*) for all capital on which a return is guaranteed by the Government, there shall be paid up not less than an equal amount of capital which carries no guarantee.

Subsidy by the Government.

17. The condition of a grant of subsidy or of any payment under guarantee of a minimum return on the paid-up capital or of the grant of Government land, raw material, firewood or water on favourable terms, or of the supply, from a Government source, of electric energy at concessional rates, shall ordinarily be that an amount equal to the sum paid or to the value of the grant or concession as fixed at the time when it is made, shall be repaid to the Government at the close of a fixed term of years, if, within that term, the industrial business or enterprise shall be shown to be paying interest or a dividend upon the capital invested in excess of such rate as the Government may fix.

No subsidy (to an industry other than a cottage industry) shall exceed forty per cent of the cost of the research or of the cost of the machinery as the case may be.

Disposal of profits when condition of State aid is not fulfilled.

18. No recipient of State aid shall pay any dividend or distribute or take any profits in excess of such percentage rate upon the amount of the capital of the industrial business or enterprise as the Government may fix from time to time until the conditions on which the State aid has been granted are fulfilled. The balance of the profits, after setting aside proper amounts for depreciation or obsolescence of plant and buildings, and for the payment of interest on debentures of loans, shall be carried to a reserve fund to be utilized in such manner as the Government may approve.

Methods of recovery of money due.

19. (1) All moneys payable under this Act, including any interest chargeable thereon and costs, if any, incurred, if not paid when due, may be recovered from the person

aided and his surety, if any, under the law for the time being in force, as if they were arrears of land revenue.

(2) When any sum due as aforesaid is paid by the surety or is recovered from him or out of his property under sub-section (1), the Deputy Commissioner shall, on the application of the surety, so far as possible, recover the same from the person aided and pay the same to the surety.

Power to Government to terminate aid on account of fault.

20. If the Government decides for reasons to be recorded in writing to terminate aid in respect of an industrial business or enterprise on any of the following grounds, namely :—

(i) that any portion of the aid given has been misapplied, or

(ii) that there has been a breach by the person in receipt of the aid of the provisions of this Act or of any rule made thereunder or of any condition of the grant, or

(iii) that the application on which the aid has been granted contained, or was accompanied by, any material statement by the applicant which he knew to be false, or any intentional concealment by him of any material fact, which in the opinion of the Government it was his duty to disclose, or that any such false statement or concealment was intentionally made in any inquiry made under this Act by or with the connivance of the applicant or in any return under this Act, or in reply to any requisition for information under this Act, or

(iv) that the industrial business or enterprise is being managed in such a manner as to endanger the repayment of the value of aid granted thereto repayable under this Act,

the Government may make an order that the aid be terminated and, notwithstanding anything contained elsewhere in this Act or in any other enactment, may proceed to recover from the grantee as a public demand—

(*a*) the whole amount of any loan outstanding, together with such interest as may be due thereon, or

(*b*) in cases where the aid is given otherwise than by loan, the money value of the grant as fixed at the time when it was made, together with interest at a rate not exceeding twelve and a half per cent, from the date of the grant till the date of realisation, and

(*c*) in the cases mentioned in sub-section (*a*) or sub-section (*b*) the cost of recovery, and, if the Government so directs, the cost of any inquiry made in connection therewith,

and such order shall be final.

Fees.

21. The Government may charge in respect of applications, inquiries, inspections and audit by whomsoever made under this Act, such fees, if any, as may be prescribed.

State aid granted prior to commencement of Act.

22. Any such aid as is referred to in section 7, given by the Government to any industry prior to the commencement of this Act, shall, on the issue of an order to that effect by the Government in the *Mysore Gazette*, be deemed to be aid given under this Act and on the issue of such order, all the provisions of this Act and of any rules made thereunder shall apply to such aid and such industry as if such aid was given to such industry under this Act.

Powers of Government as regards starting or conducting industries and giving aid of certain kinds.

23. Nothing in this Act shall be held to debar the Government,

(*a*) from starting or conducting any industrial business or enterprise;

(*b*) from assisting an industrial business or enterprise by agreements to purchase on business terms the whole or a portion of the products of the same;

(*c*) from assisting an industrial business or enterprise by giving gratis or on favourable terms, the services of Government officials or experts either in the capacity of advisers or for a limited period for starting or conducting such business or enterprise;

(*d*) from assisting an industrial business or enterprise in connection with industrial education or the training of apprentices;

(e) from assisting a village industry in any manner which may be determined by the Government.

Power to make rules.

24. (1) The Government may make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, it may make rules regulating all or any of the following matters :—

(i) the classes of industrial businesses or enterprises to which and the purposes for which aid may be given;

(ii) the term of office of the members of the Board of Industries, the quorum at the Board's meetings, the method of arriving at its decisions, the appointment of a Secretary and staff, the allowances payable to its members and all other matters relative to the conduct of its business ;

(iii) the manner of making applications for State aid and the information to be given in such applications, provided that no such rules shall require any applicant or grantee of aid to divulge any information relating to the technical details of any process of any patent owned by him ;

(iv) the manner of conducting inquiries and the matters to be specially inquired into in dealing with applications for the State aid and the powers to be exercised by the Director of Industries conducting such inquiries ;

(v) the mode of ascertaining the value of the assets of an industrial business or enterprise ; or of any property offered as collateral security for a loan ;

vi) the nature of the security to be taken for the due application of loans and grants and the rates of interest at which and the conditions under which loans or grants may be given, and the creation of a mortgage, floating charge or collateral security under section 10 ;

(vii) the inspection of the premises, buildings, plant and stock on hand and the accounts of any industrial business or enterprise for which State aid has been granted ;

(viii) the mode of keeping and auditing the accounts and of furnishing returns of any industrial business or enterprise in respect of which State aid has been granted;

(ix) the appointment and functions of Government directors or the prescribing of other methods of control of industrial businesses or enterprises in respect of which State aid has been granted;

(x) the application of profits in cases in which the conditions under which loans or grants have been made have not been fulfilled;

(xi) the guaranteeing by the Government of cash credits, over-drafts or fixed advances by banks and the recognition of banks for this purpose;

(xii) the fixing of the period for the repayment of loans and the conditions and dates of the repayment of subsidies and grants;

(xiii) the recovery of any moneys due under this Act; and

(xiv) the conditions under which and the security on which loans shall be granted or guarantees of a cash credit, over-draft or fixed advance with a bank given to the industries referred to in section 15:

Provided that such rules shall take effect and have the force of law after one month from the date of their publication in the *Mysore Gazette*:

Provided further that such rules shall be laid on the table of the Mysore Legislative Assembly and may be amended by a resolution passed within one month from the date of notification or, if the Assembly is not sitting, on such date within one month from the date of its next meeting.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. Fl. 621—S.T. 11-51-2, dated Bangalore, 14th May 1951.

In exercise of the powers conferred by Section 6 of the Mysore Sales Tax Act, 1948 (Mysore Act XLVI of 1948), His Highness the Maharaja of Mysore is pleased to direct that the sale of "Ballot Boxes" whether imported from outside or manufactured within the State to be used for purposes of elections to the Houses of the People and to the Houses of State Legislature, shall be exempt from the levy of Sales Tax payable under the said Act throughout the State of Mysore.

By Order of His Highness the Maharaja,

M. SHAMANNA,
Secretary to Government,
Finance Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Reg. No. M. 1175.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

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PART IV

Section I-A

BILLS INTRODUCED IN THE CENTRAL LEGISLATURE WHICH IF ENACTED WILL APPLY TO MYSORE AND THE REPORTS OF SELECT COMMITTEES, IF ANY, THEREON.

NOTIFICATION.

No. L.D. 88--Legis. 3-50-21, dated Bangalore, 16th April 1951.

Ordered that the accompanying Notification No. S.R.O. Code of Civil Procedure (Second Amendment) Bill, 1951 (No. 18 of 1951), published in the *Gazette of India*, Part II, Section 2, dated the 17th March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

109 BILL NO. 18 OF 1951.

A Bill further to amend the Code of Civil Procedure, 1908.

BE it enacted by Parliament as follows :—

1. Short title and commencement.—(1) This Act may be called the Code of Civil Procedure (Second Amendment) Act, 1951.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of Order V, rule 25, Act V of 1908.—To rule 25 of Order V in the First Schedule to the Code of Civil Procedure, 1908, the following provisos shall be added, namely :

"Provided that where any such defendant resides in Pakistan, the summons, together with a copy thereof, may be sent for service on the defendant, to any court in that country (not being the High Court) having jurisdiction in the place where the defendant, resides :

Provided further that where any such defendant is a public officer in Pakistan (not belonging to the Pakistan military, naval or air forces) or is a servant of a railway company or local authority in that country, the summons, together with a copy thereof, may be sent for service on the defendant, to such officer or authority in that country as the Central Government may, by notification in the Official Gazette, specify in this behalf."

STATEMENT OF OBJECTS AND REASONS.

Under the existing law, a summons issued against a defendant residing in Pakistan in respect of a suit filed against him in this country can only be served upon him by post. The Government of Pakistan have now agreed to arrange on a reciprocal basis, for the issue of appropriate notifications under the proviso to section 29 of the Code of Civil Procedure, 1908, as in force in Pakistan whereby the courts in Pakistan will be bound to serve summonses sent to them by courts in India as if they were summonses issued by courts in Pakistan. The Government of Pakistan have also agreed, on a reciprocal basis, that summonses issued by courts in India to persons who may be public servants in Pakistan should be routed through the Home Secretary of the Province in which the public servant may have been employed or through the Secretary, Ministry of Interior, in the case of public servants serving under the Central Government of Pakistan and served on the public servants concerned by the Heads of the Departments. The Government of Pakistan have already taken legislative action to implement the agreement. It is necessary, therefore, to amend rule 25 of Order V of the Code of Civil Procedure, 1908, so as to enable courts in India to transmit a summons to a defendant residing in Pakistan to the appropriate court in Pakistan, and where the defendant is a public servant in Pakistan, to route the summons through such officer or authority in Pakistan as the Central Government may, by notification in the Official Gazette, specify in this behalf. The Bill is intended to achieve this object.

NEW DELHI,
The 9th March, 1951.

B. R. AMBEDKAR.

210 ANNEXURE.

EXTRACT FROM THE CODE OF CIVIL PROCEDURE, 1908 (ACT V OF 1908).

* * * * *

THE FIRST SCHEDULE.

* * *

ORDER V.

Issue and Service of Summons.

* * * *

25. Service where defendant resides out of the States and has no agent.—Where the defendant resides out of the States and has no agent in the States empowered to accept service, the summons shall be addressed to the defendant at the place where he is residing and sent to him by post, if there is postal communication between such place and the place where the Court is situate.

* * * * *

M. N. KAUL,

Secretary.

Printed by the Director of Printing, Stationery and Publications
at the Government Press, Bangalore.

PART IV

Section I-C.

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 2581—Legis. 6-50-55, dated Bangalore, 6th December 1950.

Ordered that the following Notification No. S.R.O. 700, dated the 30th September 1950 of the Ministry of Industry and Supply, under the Supply and Prices of Goods Ordinance, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 30th September 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF INDUSTRY AND SUPPLY.

NOTIFICATION.

New Delhi, the 30th September 1950.

S.R.O. 700.—In exercise of the powers conferred by sections 7, 13 and 19 of the Supply and Prices of Goods Ordinance, 1950 (No. XXVI of 1950) and of all other powers enabling it in this behalf, the Central Government is pleased to direct that—

(*a*) no dealer in, and producer of, Casein shall by himself or through any agent sell or otherwise dispose of any Casein except under and in accordance with a permission in writing of the Director-General of Industries and Supplies, New Delhi, or any officer authorised by him in writing in this behalf;

(*b*) every dealer in, and producer of, Casein shall declare in writing before the 15th October 1950, to the Director-General of Industries and Supplies, New Delhi, the stocks of Casein held by him on the 1st October 1950, and shall thereafter before the 7th day of every month send to the said officer a statement in writing of all sales of Casein made by him during the previous month. Such statement shall in respect of each transaction include the quantity sold and the name and address of the buyer; and

(c) every dealer in, and producer of, Casein shall exhibit as soon as possible and not later than the 10th October 1950 and on the 1st day of every subsequent month at some easily accessible place on the premises a price list of such goods held for sale and a statement of the total quantity of any such goods held in stock.

ORDER

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the Gazette of India.

[No. I(4)-32(18)/50.]

B. B. SAKSENA, Dy. Secy.

NOTIFICATION.

No. L.D. 3126—Legis. 4-50-95, dated Bangalore, 23rd January 1951.

Ordered that the accompanying Newsprint Control Order, 1951, (S.R.O. 1105) published in the *Gazette of India*, Part II, Section 3, dated the 26th December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF INDUSTRY AND SUPPLY.

NOTIFICATION.

NEWSPRINT CONTROL

New Delhi, the 26th December 1950.

S.R.O. 1105.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to make the following Order, namely :—

JM

THE NEWSPRINT CONTROL ORDER, 1951.

1. (*a*) This Order may be called the Newsprint Control Order, 1951.

(*b*) It extends to the whole of India, except the State of Jammu and Kashmere.

(*c*) It shall come into force on the 1st January 1951.

2. *Definitions.*—In this Order—

(*a*) "form" means a form appended to this Order.

(*b*) "newspaper" means any periodical publication printed on newsprint appearing at regular intervals of not more than one month;

(*c*) "newsprint" means white printing paper in reels or in sheets, the fibre content of which comprises not less than 70 per cent of mechanical wood pulp, and which weighs not less than 40 grammes per square metre;

(*d*) "daily newspaper" means a newspaper which is published on not less than 6 days in a week and includes any Supplement or Special edition of such newspaper, whether or not it is separately registered under the Press and Registration of Books Act, 1867 (XXV of 1867);

(*e*) "week" means a period of seven consecutive days beginning on a Monday.

3. No person shall publish any daily newspaper any page of which, including margins and other spaces clear of print, exceeds 432 square inches in area.

4. The total number of pages in the issue of a daily newspaper, published by any person, during any one week shall not exceed sixty.

Explanation.—In computing the number of pages for the purpose of this clause, pages of paper other than newsprint shall be excluded.

5. *Submission of returns by Proprietors of Newspaper.*—Every proprietor of newspaper shall submit to the Secretary to the Government of India, Ministry of Industry and Supply, New Delhi, on or before the 7th day of every month a true return in Form I of the amounts of newsprint held, acquired, consumed and otherwise disposed of by him during the preceding calendar month.

6. *Submission of returns by Other Persons.*—Every person other than the proprietor of a newspaper carrying on any undertaking which involves the sale, storage or distribution of newsprint, shall, on or before the 7th day of every month submit to the Secretary to the Government of India, Ministry of Industry and Supply, New Delhi, a true return in Form II of the stocks of newsprint held, acquired and disposed of by him during the preceding calendar month.

7. The Central Government may, in any special case, authorise in writing the doing of any act which would otherwise be prohibited by this Order.

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FORM I

THE NEWSPRINT CONTROL ORDER, 1951

(Clause 5)

Return of consumption of newsprint for the month of 195 .
Name of the newspaper
Full address

I/We declare that the following is a true account of the stock of newsprint, held, acquired, consumed and otherwise disposed of by me/us during the month of 195 .

	Newsprint in reels		Newsprint in sheets	
	No. of reels	Weight in tons	No. of reel	Weight in ton
1. Amount of stock in hand at the end of the last preceding month.....				
2. Amount of stock acquired during the month from.....				
3. Total of items 1 and 2				
4. Amount of stock consumed during the month in the production of newspaper ...				
5. Amount of stock otherwise disposed of during the month to.....				
6. Total of items 4 and 5				
7. Amount under item 3 less amount under item 6, being amount in stock at the end of the month.				

Dated 195 . Signature.

FORM II

THE NEWSPRINT CONTROL ORDER, 1951

(*Clause* 6)

Return of stocks of newsprint for the month of 195 .
Name
Full address

I/We declare that the following is a true account of the stocks of newsprint held, acquired and disposed of by me/us during the month of 195 .

	Newsprint in reels		Newsprint in sheets	
	No. of reel	Weight in ton	No. of reel	Weight in ton
1. Amount of stock in hand at the end of the last preceding month.				
2. Amount of stock acquired during the month from.....				
3. Total of items 1 and 2				
4. Amount of stock disposed of during the month.				
5. Amount under item 3 less amount under item 4, being the amount in stock at the end of the month.				

Dated 195 . Signature

[No. N-14/50.]

B. K. KAUL, Dy. Secy.

NOTIFICATION.

No. L.D. 3127—Legis. 4-50-96, dated Bangalore, the 23rd January 1951.

Ordered that the following Notification Nos. S.R.O. 1144 and 1145, dated 30th December 1950 of the Ministry of Industry and Supply—Amendment to the Newsprint Control Order, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 30th December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF INDUSTRY AND SUPPLY.

CORRIGENDUM

New Delhi, the 30th December 1950.

S.R.O. 1144. In the Ministry of Industry and Supply Notification No. N-14/50, dated the 26th December 1950, published in the *Gazette of India Extraordinary*, dated the 26th December 1950, *for* the figure 1951 in the title and sub-clause (a) of clause (1) of the Newsprint Control Order *read* 1950.

[No. N-14/50.]

NOTIFICATION.

New Delhi, the 30th December 1950.

S.R.O. 1145. In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendments shall be made in the Newsprint Control Order, 1950, namely;

In the said Order—

I. To sub-clause (d) of clause 2 the following explanation shall be added, namely,

Explanation: The expression "special edition" includes a weekly edition whether appearing under the same title as the daily newspaper or a different title.

II. In clause 3, the word "daily" shall be omitted.

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III. Clause 4 shall be substituted by the following clause, namely,

"(1) The total number of pages in the issues of a standard-sized daily newspaper during any one week shall not exceed 60 where the newspaper is published on seven days of the week or 48 where it is published on six days of the week and the total number of pages in the issues of any other newspaper during any one week shall not exceed a number which, in the case of a newspaper published on seven days of the week, bears to 60, or, in the case of a newspaper published on six days of the week, bears to 48, the same proportion as the area of the page of such other newspaper bears to 336 square inches.

(2) Where the page of a newspaper varies in size from time to time, the area of the page of the newspaper for the purposes of this clause shall be the area of the largest page.

(3) For the purposes of this clause 'Standard-sized daily newspaper' means a newspaper the area of a page of which including margins and other spaces clear of print, is not less than 336 square inches and not more than 432 square inches".

[No. N-14/50.]

PREM CHAND, Under Secy.

NOTIFICATION.

No. L.D. 84—Legis. 4-50-113, dated Bangalore, 16th April 1951.

Ordered that the accompanying Notification No. S.R.O. 143, dated the 31st March 1951, of the Ministry of Defence amending the Territorial Army Rules, 1948, published in the *Gazette of India*, Part II Section 4, dated the 31st March 1951, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF DEFENCE.

PART II—Section 4.

Statutory Rules and Orders issued by the Ministry of Defence.

New Delhi, the 31st March 1951.

S.R.O. 143.—In exercise of the powers conferred by section 14 of the Territorial Army Act, 1948 (LVI of 1948), the Central Government hereby directs that the following amendment shall be made in the Territorial Army Rules, 1948, namely :—

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After clause (d) of sub-rule (1) of rule 20 of the said rules the following clause shall be inserted namely :

" (e) Every such person who is appointed to an Urban unit may, under the orders of the Area/Independent Area Commander, be embodied for a period not exceeding seven days for the purpose of passing prescribed trade tests, provided the individual volunteers and obtains the written consent of his employer, if any. The period of embodiment shall count against the extended period of annual camp as prescribed in clause (b)."

NOTIFICATION.

No. L.D. 86—Legis. 6-50-91, dated Bangalore, 16th April 1951.

Ordered that the accompanying Notification No. S.R.O. 417 dated the 24th March 1951, of the Ministry of Food and Agriculture amending the Sugar and Gur Control Order, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 24th March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF FOOD AND AGRICULTURE.

NOTIFICATION.

New Delhi, the 24th March 1951.

S. R. O. 417.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the following amendment shall be made in the Sugar and Gur Control Order, 1950, namely :—

In the said Order—

In Sub-clause (c) of clause 2, the words " or palmyra juice ", at the end of the sub-clause, shall be deleted.

[SV-105 (2)/50-51.]

N. T. MONE, Jt. Secy.

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PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. L. 1695—Ml. 97-51-1, dated Bangalore, the 22nd May 1951.

In exercise of the powers conferred by sub-section (2) of Section 8 of the Mysore Amusements Tax Act, 1932 (Mysore Act No. VIII of 1932), His Highness the Maharaja of Mysore is pleased to exempt the following classes of entertainments from liability to the entertainments Tax, namely.—

Dramatic performances and Circuses.

By Order of His Highness the Maharaja,

M. S. SWAMINATHAN,

Secretary to Government,
Local Self-Government Department.

FINANCIAL SECRETARIAT.

No. Fl. 851-54—S. T. 13-51-2, dated Bangalore, 22nd May 1951.

Under Section 2(c) of the Mysore Sales-Tax Act, 1948 (Act No. XLVI of 1948) and Rule 3(b) of the Mysore Sales-Tax Rules, 1948, and all other powers enabling in that behalf, His Highness the Maharaja of Mysore is hereby pleased to direct that with effect from 28th May 1951, the territorial jurisdictions of the several Assistant Sales-Tax Officers shall be as noted below :—

Name of Sub-Circle	*Extent of Jurisdiction*	*Headquarters.*
1. Bangalore No. 1 ...	Portion of the City bounded on the East by Kankanhalli Road starting from the Southern limit of the City up to the point of intersection with South End Road; then along South End Road from that point towards the West up to the point of intersection of Sri Krishnarajendra Road, and on to the North through Sri Krishnarajendra Road, Fort Centre Road and Avenue Road up to the point of intersection of Gundopanth Street and on the North by a line starting from the point of intersection of Gundopanth Street with Avenue Road and running West along Gundopanth Street up to the point of intersection of Sethu Rao Street Chowk and then turning South along Sethu Rao Street up to the West Gate of City Market, then running towards the West along Police Road and Ranasingpet up to the Eastern Gate of Binny Mills and North by Binny Mills Road up to the point of intersection with Magadi Road and along Magadi Road up to the Western limit of the City and on the West and South by Bangalore City limits.	Bangalore.
2. Bangalore No. 2 ...	Portion of the City bounded on the South by the Northern boundary of the above part of the First Sub-circle and on the East by line running along Avenue Road starting from the point of intersection of Avenue Road and Gundopanth Street towards the North up to the point of intersection of Avenue Road and Chickpet Chowk, and on the North and West by the Southern boundary of the Bangalore No. II Circle.	Bangalore.

Name of Sub-circle	Extent of Jurisdiction.	Head Quarter
6. Bangalore No. 6 ...	Portion of the City bounded on the South by the Northern boundary of the above 5th Sub-circle and on the West by a line running along Avenue Road starting from the point of intersection of Nagartharpet and Avenue Road towards the North up to the point of intersection with Kempegowda Road and from that point to West along Kempegowda Road up to the point of intersection with the Road in front of Central College Hostel up to the Kantharaj Urs Circle along Palace Road and Bellary Road up to the Northern limits of the City and on the North and East by the Bangalore City limits; and also Bangalore North Taluk.	Bangalore.
7. Bangalore No. 7 ...	Bangalore South taluk and the whole of Ulsoor and the portion of the Civil Area divided by the line starting from the Trinity Church going along the Mahatma Gandhi Road up to the point of intersection by the Brigade Road, then going up to the Cubbon Road and proceeding along Cavalry Road up to the point of intersection of the Dispensary Road. Then turning to the left along the Dispensary road up to the point of intersection of Old Poor House Road and then proceeding along the Old Poor House Road up to the Northern Boundary of the Civil Station.	Bangalore.
8. Bangalore No. 8 ..	The rest of the Civil Area excluding the above Bangalore No. 7 Sub-Circle ...	Bangalore.
9. Bangalore District No. 1	Revenue Taluks of Channapatna, Ramanagaram, Kankanhalli and Magadi ...	Bangalore.
10. Bangalore District No. 2.	Bangalore Revenue Taluks of Anekal, Hoskote, Devanahalli, Nelamangala and Dodballapur.	Bangalore.
11. Kolar District No. 1...	Kolar Revenue Taluks of Kolar, Malur, Mulbagal, Srinivasapur and Chintamani.	Kolar.
12. Do No. 2...	Kolar Revenue Taluks of Bangarpet including Kolar Gold Fields ...	Kolar
13. Do No. 3...	Chikballapur Revenue Taluks of Chikballapur, Sidlaghatta, Goribidnur, Bagepalli and Gudibanda.	Chikballapur.
14. Tumkur District No. 1.	Tumkur Revenue Taluks of Tumkur and Kunigal	Tumkur
15. Do No. 2.	Tumkur Revenue Taluks of Tiptur, Turuvekere and Gubbi	Tumkur
16. Do No. 3.	Madhugiri Revenue Taluks of Madhugiri, Koratagere, Sira, Pavagada and Chicknaikanahalli.	Madhugiri.

3.	Bangalore No. 3	... Portion of the City bounded on the South by a line running through the Centre of Chickpet Road starting from Chickpet-Avenue Road Chowk and running towards West up to the point of intersection with Kemmangundi Road and running South along that road up to the road leading from the Eastern gate of Binny Mills and West along that road up to the Eastern gate of Binny Mills and to the North by Binny Mills Road up to the point of intersection with the Magadi Road and along Magadi Road up to the Western limit of the City and on the East by line running along Avenue Road starting from Avenue Road-Chickpet Chowk towards North up to the point of intersection with Kempegowda Road and on the North by a line running through the centre of Kempegowda Road up to the point of meeting Majestic Circle and along Tank Bund Road up to the point of meeting Kemmangundi Road and along Kemmangundi Road up to the point of intersection with the Old Taluk Katchery Road (near Railway Goods Shed).	Bangalore.
4.	Bangalore No. 4	... Portion of the City bounded on the South by the Northern limits of the 3rd Sub-circle and on the East by line running along Palace Road starting from Mysore Bank Circle towards North up to Kantharaj Urs Circle, and further North up to the point of intersection with Bellary Road and along Bellary Road up to the Northern limits of City and on the North and West by the Bangalore City limits (*viz.* Gandhinagar, Seshadripuram, High Grounds, Palace Guttahally, Malleswaram, Srirampuram, Ooklipuram, etc.)	Bangalore.
5.	Bangalore No. 5	... Portion of the City bounded on the West by Kankanhalli Road starting from the Southern limit of the City up to the point of intersection of South End Road; then along South End Road from that point towards the West up to the point of intersection of Sri Krishnarajendra Road and on to the North of Sri Krishnarajendra Road, Fort Centre Road and Avenue Road up to the Chickpet and Avenue Road Chowk and running towards the East through Nagartharpet, Mission Road, Lalbagh Road up to the Eastern limits of the City and on the East and South by Bangalore City limits.	Bangalore.

17.	Mysore City No. 1 ...	Mysore Revenue Taluks of Mysore taluk and area of Mysore City lying North of Yelwal Road commencing from Toll Gate at Hunsur Road, running through Shivarampet and South of Market square and through Gandhi Square, Statue Square and crossing Bangalore- Niligiri Road and running through Nazarbadh and ending at T.-Narasipur Toll Gate.	Mysore
18.	Do No. 2 ...	The remaining area of Mysore City including both sides of Yelwal Road,	Mysore
19.	Mysore District No. 1	Mysore Revenue Taluks of Chamarajanagar, Yelandur, T.-Narasipur and Gundlupet.	Mysore
20.	Do No. 2	Mysore Revenue Taluks of Krishnarajanagar, Heggaddevankote, Hunsur, Periyapatna and Nanjangud.	Mysore
21.	Mandya District No. 1.	Mandya Revenue Taluks of Mandya, Nagamangala and Maddur ...	Mandya
22.	Do No. 2.	Mandya Revenue Taluks of Malavalli Krishnarajpet Srirangapatna and Pandavapura.	Mandya.
23.	Hassan District No. 1.	Hassan Revenue Taluks of Hassan, Hole-narasipura, Arkalgud, Saklespur and Alur.	Hassan.
24.	Do No. 2.	Hassan Revenue Taluks of Arsikere, Channarayapatna and Belur ...	Hassan.
25.	Shimoga District No. 1.	Shimoga Revenue Taluks of Shimoga, Bhadravathi, Channagiri, Honnali and Kumsi.	Shimoga.
26.	Do No. 2.	Shimoga Revenue Taluks of Sagar, Thirthahalli, Shikaripur, Sorab and Hosanagar.	Shimoga.
27.	Chitaldrug District No. 1.	Chitaldrug Revenue Taluks of Chitaldrug, Jagalur, Challakere and Molakalmuru.	Chitaldrug.
28.	Chitaldrug District No. 2.	Chitaldrug Revenue Taluks of Hosadurga, Holalkere and Hiriyur ...	Chitaldrug.
29.	Chitaldrug District No. 3.	Davangere City and Taluk and Harihar Taluk	Davangere.
30.	Chikmagalur District.	The whole of Chikmagalur District	Chikmagalur,

M. SHAMANNA,
Secretary to Government,
Finance Department.

No. L.S. 705—L.W. 34-51-2, dated Bangalore, the 17th May 1951.

Whereas His Highness the Maharaja of Mysore is of the opinion that minimum rates of wages should be fixed in respect of certain Employments:

It is hereby notified for the information of the public that in exercise of the powers conferred by Section 27 of the Minimum Wages Act, 1948 (Central Act XI of 1948), it is proposed to add to Part I of the Schedule to the said Act the employments specified hereunder:

Objections, if any, to the proposal may be sent to the Secretary to Government, Law Department, Bangalore, within three months from the date of publication of this Notification in the *Mysore Gazette*.

After item 12 in Part I of the Schedule to the Minimum Wages Act, 1948 (Central Act XI of 1948), the following items shall be added, namely:—

"13. Employment in any Textile Mill
14. Employment in any Sugar Mill
15. Employment in any Chemical Industry
16. Employment in any Iron and Steel Manufactory."

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

No. S.R. 1200—St. 11-50-4, dated Bangalore, 18th May 1951.

In exercise of the powers conferred by the Mysore Stamp Act, 1900 (Mysore Act II of 1900), His Highness the Maharaja of Mysore is pleased to direct that, besides the adhesive labels now in use for "Share-transfer", "Foreign Bill", and "Broker's Note" stamps, Court-fee adhesive labels in orange colour suitably overprinted with the name of the stamp, *viz.*, "Share-transfer", "Foreign Bill", "Broker's Note" and the value thereon, be issued for (1) "Share Transfer" stamps of one-anna, two-annas and three-annas, (2) Foreign Bill stamps of two-annas and three-annas, and (3) Broker's Note stamps of two-anna denominations, respectively, with effect from 1st April 1951.

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,

Secretary to Government,
Revenue Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

17.	Mysore City No. 1 ...	Mysore Revenue Taluks of Mysore taluk and area of Mysore City lying North of Yelwal Road commencing from Toll Gate at Hunsur Road, running through Shivarampet and South of Market square and through Gandhi Square, Statue Square and crossing Bangalore- Niligiri Road and running through Nazarbadh and ending at T.-Narasipur Toll Gate.	Mysore
18.	Do No. 2 ...	The remaining area of Mysore City including both sides of Yelwal Road,	Mysore
19.	Mysore District No. 1	Mysore Revenue Taluks of Chamarajanagar, Yelandur, T.-Narasipur and Gundlupet.	Mysore
20.	Do No. 2	Mysore Revenue Taluks of Krishnarajanagar, Heggaddevankote, Hunsur, Periyapatna and Nanjangud.	Mysore
21.	Mandya District No. 1.	Mandya Revenue Taluks of Mandya, Nagamangala and Maddur ...	Mandya
22.	Do No. 2.	Mandya Revenue Taluks of Malavalli Krishnarajpet Srirangapatna and Pandavapura.	Mandya.
23.	Hassan District No. 1.	Hassan Revenue Taluks of Hassan, Hole-narasipura, Arkalgud, Saklespur and Alur.	Hassan.
24.	Do No. 2.	Hassan Revenue Taluks of Arsikere, Channarayapatna and Belur ...	Hassan.
25.	Shimoga District No. 1.	Shimoga Revenue Taluks of Shimoga, Bhadravathi, Channagiri, Honnali and Kumsi.	Shimoga.
26.	Do No. 2.	Shimoga Revenue Taluks of Sagar, Thirthahalli, Shikaripur, Sorab and Hosanagar.	Shimoga.
27.	Chitaldrug District No. 1.	Chitaldrug Revenue Taluks of Chitaldrug, Jagalur, Challakere and Molakalmuru.	Chitaldrug.
28.	Chitaldrug District No. 2.	Chitaldrug Revenue Taluks of Hosadurga, Holalkere and Hiriyur ...	Chitaldrug.
29.	Chitaldrug District No. 3.	Davangere City and Taluk and Harihar Taluk	Davangere.
30.	Chikmagalur District.	The whole of Chikmagalur District	Chikmagalur,

M. SHAMANNA,
Secretary to Government,
Finance Department.

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No. L.S. 705—L.W. 34-51-2, dated Bangalore, the 17th May 1951.

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It is hereby notified for the information of the public that in exercise of the powers conferred by Section 27 of the Minimum Wages Act, 1948 (Central Act XI of 1948), it is proposed to add to Part I of the Schedule to the said Act the employments specified hereunder:

Objections, if any, to the proposal may be sent to the Secretary to Government, Law Department, Bangalore, within three months from the date of publication of this Notification in the *Mysore Gazette.*

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14. Employment in any Sugar Mill
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16. Employment in any Iron and Steel Manufactory."

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

No. S.R. 1200—St. 11-50-4, dated Bangalore, 18th May 1951.

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By Order of His Highness the Maharaja,

T. RANGAMALLIAH,
Secretary to Government,
Revenue Department.

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BANGALORE, WEDNESDAY, MAY 23, 1951.

PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. Fl. 863-69—B.T. 1-51-2, dated Bangalore, 23rd May 1951.

In exercise of the powers conferred by Sections 3 and 6 of the Betting Tax Act, 1932, (Mysore Act No. IX of 1932), and in supersession of Notification No. Fl. 1612—B.T. 1-50-2, dated the 23rd May 1950, His Highness the Maharaja of Mysore is pleased to direct that the rate of totalisator and betting taxes to be charged and levied under the said Act shall be fifteen per cent.

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,

Finance Department.

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BANGALORE, MONDAY, MAY 28, 1951

PART IV

Section I-C

RULES, ORDERS AND NOTIFICATIONS, UNDER CENTRAL ACTS AND ORDINANCES

NOTIFICATION.

No. L.D. 488—Legis. 11-51-3, dated Bangalore, 26th May 1951.

Ordered that the following the Delimitation of Parliamentary nd Assembly Constituencies (Mysore) Order, 1951, published in the *Gazette of India*, dated the 18th May 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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GOVERNMENT OF INDIA

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 18*th May* 1951.

No. 85 (12)/51-C.—The following Order made by the President is published for general information :—

THE DELIMITATION OF PARLIAMENTARY AND ASSEMBLY CONSTITUENCIES (MYSORE) ORDER, 1951

In pursuance of sections 6 and 9 of the Representation of the People Act, 1950 (XLIII of 1950), the President is pleased to make the following Order, namely :—

1. This Order may be called the Delimitation of Parliamentary and Assembly Constituencies (Mysore) Order, 1951.

2. The constituencies into which the State of Mysore shall be divided for the purpose of elections to (a) the House of the People and (b) the Legislative Assembly of the State, the extent of each such constituency, the number of seats allotted to each such constituency and the number of seats, if any, reserved for the Scheduled Castes in each such constituency shall be as shown in the following Tables :—

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TABLE A.—PARLIAMENT CONSTITUENCIES

Name of Constituency	Extent of Constituency	Total number of seats	Seats reserved for Scheduled Castes
1	2	3	4
Kolar ...	Kolar District and Pavagada, Koratagere and Madhugiri Taluks and Sira Taluk (excluding Bukkapatna Hobli) of Tumkur District.	2	1
Tumkur ...	Tumkur District (excluding Pavagada, Koratagere, Sira and Madhugiri Taluks but including Bukkapatna Hobli of Sira Taluk) and Hosadrug Taluk of Chitaldrug District.	1	...
Bangalore North ...	Bangalore City and Bangalore North and Devanahalli Taluks of Bangalore District.	1	...
Bangalore South ...	Bangalore South, Hoskote, Anekal, Ramanagaram, Magadi, Nelamangala and Dodballapur Taluks of Bangalore District.	1	...
Mandya ...	Kankanhalli and Channapatna Taluks of Bangalore District and Mandya District (excluding Krishnarajpet and Nagamangala Taluks).	1	...
Mysore ...	Mysore District and Krishnarajpet and Nagamangala Taluks of Mandya District; and Hole-Narsipur and Arkalgud Taluks of Hassan District.	2	1
Hassan-Chikmagalur	Hassan District (excluding Hole-Narsipur and Arkalgud Taluks); and Chikmagalur District (excluding Koppa, Sringeri, Tarikere and Narasimharajapura Taluks).	1	...
Shimoga ...	Shimoga District; and Koppa, Sringeri, Tarikere and Narasimharajapura Taluks of Chikmagalur District.	1	...
Chitaldrug ...	Chitaldrug District excluding Hosadrug Taluk	1	...

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TABLE B.—ASSEMBLY CONSTITUENCIES.

Name of Constituency	Extent of Constituency	Total number of seats.	Seats reserved for Scheduled Castes.
1	2	3	4
Kolar District			
Malur ...	Malur Taluk	1	...
Bangarpet ...	Bangarpet Taluk excluding Robertsonpet and Bethamangala Hoblis and Kolar Gold Fields Sanitary Board Area.	1	...
Kolar Gold Fields ...	Kolar Gold Fields Sanitary Board Area and Robertsonpet and Bethamangala Hoblis of Bangarpet Taluk; and Avani Circle of Avani Hobli of Mulubagal Taluk.	2	1
Mulbagal-Srinivaspur	Mulbagal Taluk (excluding Avani Circle of Avani Hobli) and Srinivaspur Taluk.	2	1
Bagepalli-Gudibanda	Gudibanda Taluk; and Bagepalli Taluk excluding Chelur Circle of Chelur Hobli.	1	...
Chintamani ...	Chintamani Taluk; Sugatur, Narsapur and Vemgal Hoblis of Kolar Taluk; Jangamakote Circle of Jangamakote Hobli of Sidlaghatta Taluk; and Chelur Circle of Chelur Hobli of Bagepalli Taluk.	2	1
Kolar ...	Kolar Taluk excluding Vemgal, Sugatur and Narsapur Hoblis.	1	...
Sidlagatta-Chikballapur.	Sidlaghatta Taluk (excluding Jangamkote Circle of Jangamkote Hobli); Chikballapur Taluk and Dannayakanapalya and Nagragere Hoblis of Goribidnur Taluk.	2	1
Goribidnur ...	Goribidnur Taluk excluding Dannayakanapalya and Nagragere Hoblis.	1	...
Tumkur District			
Pavagada ...	Pavagada Taluk; and Midigeshi, Kodigenahalli and Itakadibbanahalli Hoblis of Madhugiri Taluk.	2	1
Koratagere-*cum*-Madhugiri.	Koratagere Taluk; and Dodderi, Madhugiri and Puravara Hoblis of Madhugiri Taluk; and Kallambella Hobli of Sira Taluk.	2	1
Holiyurdurga ...	Kunigal Taluk excluding Kunigal and Kottagere Hoblis.	1	...
Kunigal ...	Kunigal and Kottagere Hoblis of Kunigal Taluk; and Hebbur Hobli and Gulur Hobli (excluding Gulur Circle) of Tumkur Taluk.	1	...
Tumkur ...	Tumkur and Urdgere Hoblis and Gulur Circle of Tumkur Taluk.	1	...

Name of Constituency	Extent of Constituency	Total number of seats	Seats reserved for Scheduled Castes.
1	2	3	4
Kora ...	Bukkapatna Hobli of Sira Taluk; and Hagalwadi and Chelur Hoblis of Gubbi Taluk; and Bellavi and Kora Hoblis of Tumkur Taluk.	1	...
Sira ...	Sira, Gowdagere and Hulikunte Hoblis of Sira Taluk.	1	...
Gubbi ...	Gubbi Taluk excluding Chelur and Hagalwadi Hoblis.	1	...
Turuvekere ...	Turuvekere Taluk	1	...
Tiptur ...	Tiptur Taluk	1	...
Chicknaikanahalli ...	Chicknaikanahalli Taluk	1	...
Bangalore District			
Malleswaram ...	Malleswaram West, Malleswaram East, Sreerampur, Palace Guttahalli, Seshadripuram, Maharaja Mills, and High Grounds of Bangalore City and Ramachandrapuram of Bangalore North Taluk.	1	...
Gandhinagar ...	Gandhinagar, Subhashnagar, Labour Colony, Kempapura Agrahar, Kemmannagundi, Rangaswamy Temple and Chickpet division of Bangalore City.	1	...
Chamarajpet ...	Chamarajpet West, Chamarajpet East, Sri Krishnarajendra Market Road, Sri Kasi Visweswaraswamy Temple Street, Gavipura Guttahalli and Super Talkies divisions of Bangalore City.	1	...
Basavangudi ...	Basavangudi East, Mavalli, Visweswarapuram, Kalasipalyam, Shankarpur, Bull Temple and Town Hall divisions of Bangalore City.	1	...
Cubbonpet ...	Cubbonpet, Dharmarayaswamy Temple, Anjaneya Temple, Taramandalpet Shoolay divisions of Bangalore City and Richmond and Austin Towns.	1	...
Ulsoor ...	Ulsoor, Jaughpalyam, Commercial Street, Sivanchetty Garden, Central Bazaar, and Hospital divisions of Bangalore City and Murphy and MacIver Towns.	1	...
St. John's Hill ...	St. John's Hill, Bamboo Bazaar Broadway, and Blackpalli divisions of Bangalore City and Cox, Frazer, Benson, and Tasker Towns.	1	...
Bangalore North ...	Bangalore North and Devanahalli Taluks ...	2	1

Name of Constituency	Extent of Constituency	Total number of seats	Seats reserved for Scheduled Castes
1	2	3	4
Dodballapur ...	Dodballapur Taluk excluding Doddabelavangala Hobli.	1	...
Nelamangala ...	Doddabelavangala Hobli of Dodballapur Taluk and Nelamangala Taluk and Solur and Kudur Hoblis of Magadi Taluk.	2	1
Magadi ...	Magadi Taluk excluding Solur and Kudur Hoblis	1	...
Bangalore South ...	Bangalore South Taluk and Jigani Hobli of Anekal Taluk and Bidarhalli Hobli of Hoskote Taluk.	2	1
Hoskote-Anekal ...	Hoskote Taluk excluding Biderhalli Hobli and Anekal Taluk excluding Jigani Hobli.	2	1
Ramanagaram ...	Ramanagaram Taluk ...	1	...
Kankanhalli ...	Kankanhalli Taluk excluding Uyyamballi and Satnur Hoblis.	1	...
Virupakshapura ...	Uyyamballi and Satnur Hoblis of Kankanhalli Taluk and Virupakshapura Hobli of Channapatna Taluk.	1	...
Channapatna ...	Channapatna Taluk excluding Virupakshapura Hobli.	1	...
Mandya District.			
Malvalli ...	Malvalli Taluk; and Chikkarasinakere Hobli of Maddur Taluk.	2	1
Maddur ...	Maddur Taluk excluding Chikkarasinakere Hobli.	1	...
Mandya ...	Mandya Taluk excluding Kothathi Hobli ...	1	...
Srirangapatna ...	Kothati Hobli of Mandya Taluk; and Srirangapatna Taluk excluding Kurubarasettihalli Hobli.	1	...
Pandavapura ...	Kurubarasettihalli Hobli of Srirangapatna Taluk; and Pandavapura Taluk.	1	...
Nagamangala ...	Nagamangala Taluk ...	1	...
Krishnarajpet ...	Krishnarajpet Taluk ...	1	...
Mysore District.			
Mysore City North...	Mandi, Lashkar and Nazarbad Mohallas of Mysore City.	1	...
Mysore City South...	Fort, Krishnaraj, Chamaraj and Devaraj Mohallas of Mysore City.	1	...
Mysore Taluk ...	Mysore Taluk excluding Anandur Circle of Yelwal Hobli.	1	...
Nanjangud ...	Nanjangud Taluk ...	2	1
T.-Narsipur ...	T.-Narsipur Taluk excluding Mugur and Talkad Hoblis.	1	...

Name of Constituency	Extent of Constituency	Total Number of seats	Seats reserved for Scheduled Castes
1	2	3	4
Yelandur ...	Yelandur Taluk ; and Mugur and Talkad Hoblis of T-Narsipur Taluk and Ramasamudra and Chandakavadi and Santhemarahalli Hoblis of Chamrajnagar Taluk.	2	1
Chamarajnagar ...	Chamarajnagar, Haradanahalli and Harve Hoblis of Chamarajnagar Taluk.	1	...
Hunsur ...	Hunsur Taluk ; and Anandur Circle of Yelwal Hobli of Mysore Taluk ; and Thippur Circle of Krishnarajanagar Hobli of Krishnarajnagar Taluk.	1	...
Gundlupet *cum* Heggaddevankote.	Gundlupet and Heggaddevankote Taluks ...	2	1
Krishnarajanagar ...	Krishnarajanagar Taluk (excluding Chunchankatte Circle of Chunchankatte Hobli and Jhippur Circle of Krishnarajnagar Hobli).	1	...
Periyapatna ...	Periyapatna Taluk ; and Chunchanakatte Circle of Chunchanakatte Hobli of Krishnarajanagar Taluk.	1	...
Hassan District.			
Hole-Narsipur ...	Hole-Narsipur Taluk (excluding Dodbyagatvatti Circle of Kasaba Hobli) and Basavapatna Circle of Ramnathpur Hobli of Arkalgud Taluk	1	...
Arkalgud ...	Arkalgud Taluk (excluding Basavapatna Circle of Ramnathpur Hobli) and Dodbyagatvatti Circle of Kasaba Hobli of Hole-Narsipur Taluk.	1	...
Channarayapatna ...	Channarayapatna Taluk excluding Bagur and Dandiganahalli Hoblis.	1	...
Javagal ...	Bagur and Dandiganahalli Hoblis of Channarayapatna Taluk ; and Javagal and Gandasi Hoblis of Arsikere Taluk.	1	...
Arasikere ...	Arasikere Taluk excluding Javagal and Gandasi Hoblis.	1	...
Hassan ...	Hassan Taluk excluding Saligame and Kattaya Hoblis.	1	...
Belur ...	Saligame and Kattaya Hoblis of Hassan Taluk and Belur, Manjarabad and Alur Taluks.	2	1
Chikmagalur District.			
Chikmagalur *cum* Mudigere.	Chikmagalur and Mudigere Taluks and Sakrepatna Hobli, Singatagere Circle of Singatagere Hobli and II Circle of Birur Hobli of Kadur Taluk.	2	1

Name of Constituency	Extent of Constituency	Total Number of seats.	Seats reserved for Scheduled Castes.
1	2	3	4
Kadur ...	Kadur Taluk excluding Sakrepatna Hobli, Singatagere Circle of Singatagere Hobli and II Circle of Birur Hobli.	1	...
Shimoga and Chikmagalur Districts.			
Bhadravati ...	Bhadravati Taluk of Shimoga District and Narasimarajapur Taluk of Chikmagalur District.	1	...
Thirthahalli *cum* Koppa.	Thirthahalli Taluk (excluding Agrahar Hobli and Araga Circle) of Shimoga District; and Koppa and Sringeri Taluks of Chickmagalur District.	1	...
Tarikere ...	Tarikere Taluk of Chikmagalur District; and Tavarekere Circle of Ubrani Hobli of Channagiri Taluk of Shimoga District.	1	...
Shimoga District.			
Channagiri *cum* Honnali.	Channgiri Taluk (excluding Tavarekere Circle of Ubrani Hobli) and Honnali Taluk.	2	1
Shimoga ...	Shimoga Taluk	1	...
Sorab ...	Sorab Taluk; and Talaguppa Hobli of Sagar Taluk.	1	...
Shikarpur ...	Shikarpur Taluk; and Anandapuram Hobli of Sagar Taluk and Kerehalli Hobli of Hosanagar Taluk.	1	...
Sagar *cum* Hosanagar	Sagar Taluk (excluding Anandapuram and Talaguppa Hoblis) and Hosanagar Taluk (excluding Kerehalli Hobli) and Agrahar Hobli and Araga Circle of Thirthahalli Hobli of Thirthahalli Taluk.	1	...
Chitaldrug District.			
Harihar ...	Harihar Taluk; and Hadadi Circle of Davangere Hobli and Lokikere Circle of Mayakonda Hobli of Davangere Taluk.	1	...
Davangere ...	Davangere Hobli excluding Haddadi Circle and Anagudu Hobli of Davangere Taluk.	1	...
Hosadurga ...	Hosadurga Taluk	1	...
Molakalmuru ...	Thallak Hobli of Challakere Taluk and Molakalmuru Taluk.	1	...

Name of Constituency	Extent of Constituency	Total Number of seats.	Seats reserved for Scheduled Castes.
1	2	3	4
Hiriyur ...	Hiriyur Taluk (excluding Aymangala Hobli) and Challakere Taluk excluding Thallak Hobli.	2	1
Chitaldrug ...	Chitaldrug Hobli of Chitaldrug Taluk and Aymangala Hobli of Hiriyur Taluk.	1	...
Holalkere ...	Holalkere Taluk, Chitaldrug Taluk (excluding Chitaldrug Hobli and Yalagodu Circle of Bharamasagara Hobli) and Mayakonda Hobli of Davangere Taluk.	2	1
Jagalur ...	Jagalur Taluk ; and Yelagodu Circle of Bharamasagara Hobli of Chitaldrug Taluk.	1	...

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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BANGALORE, MONDAY, MAY 28, 1951.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 491—L.A. 47-50-28, dated Bangalore, the 28th May 1951.

Whereas the election of Sri V. S. Narayana Rao, from the Bangalore City Constituency (General) to the Mysore Legislative Assembly has been called in question by an election petition duly presented under the provisions of rule 94 of the Mysore Legislative Assembly Election Rules;

And whereas the Election Tribunal constituted by the Election Commission in pursuance of the provisions of sub-paragraph (1) of paragraph 5 of the Provisional State Legislatures (Casual vacancies) Order, 1950,* has submitted its report to the Election Commission, and the said report has been forwarded by the Election Commission to the State Government;

Now therefore in pursuance of rule 110 of the Mysore Legislative Assembly Election Rules, His Highness the Maharaja of Mysore is pleased in accordance with the said report,—

(i) to declare the election of Sri V. S. Narayana Rao to the Mysore Legislative Assembly to be void; and

(ii) to direct the said Sri V. S. Narayana Rao to pay Rupees One Hundred (Rs. 100) only as costs to the petitioner Sri M. Krishnaswamy Pillai.

(The said report will be published separately).

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Reg. No. M. 1175

The Mysore Gazette

(PUBLISHED BY AUTHORITY)

EXTRAORDINARY

BANGALORE, WEDNESDAY, MAY 30, 1951.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

Order No. L.D. 518—Legis. 31-51-1, dated Bangalore, 30th May 1951.

Ordered that the accompanying Mysore District Boards (Amendment) Act, 1951, which received the assent of His Highness the Maharaja on the Twenty-ninth day of May 1951, be published as Mysore Act No. XXI of 1951, in the *Mysore Gazette* for general information.

MYSORE ACT No. XXI OF 1951.

THE MYSORE DISTRICT BOARDS (AMENDMENT) ACT, 1951.

(Received the assent of His Highness the Maharaja on the 29th May 1951.)

An Act further to amend the Mysore District Boards Act, 1926.

Preamble

WHEREAS it is expedient further to amend the Mysore District Boards Act, 1926, (Mysore Act No. III of 1926), for the purpose hereinafter appearing;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Mysore District Boards (Amendment) Act, 1951.

Amendment of section 24 of Mysore Act III of 1926.

2. In section 24 of the Mysore District Boards Act, 1926, for the words "four years" the words "five years" shall be substituted.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

PART IV.

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Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. L. B. 3063-3081—L.B. 54-51-1, dated Bangalore, the 30th May 1951.

Whereas the term of office of the members of the District Boards of the Districts of Bangalore, Kolar, Tumkur, Chitaldrug, Shimoga, Chickmagalur, Hassan, Mysore and Mandya constituted under the Mysore District Boards Act, 1926, (Mysore Act III of 1926), is due to expire on the 31st day of May 1951;

And whereas it is expedient to re-constitute the said District Boards after the Mysore Village Panchayets and District Boards Bill pending before the State Legislative Assembly is passed into law;

Now therefore in exercise of the powers conferred by section 24 of the Mysore District Boards Act, 1926, (Mysore Act III of 1926), as amended by Mysore Act XXI of 1951, His Highness the Maharaja of Mysore is pleased to extend the term of office of the members of the said District Boards for a further period of six months from the first day of June 1951.

By Order of His Highness the Maharaja,

M. S. SWAMINATHAN,
Secretary to Government,
Local Self-Government Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Reg. No. M 1175.

The Mysore Gazette

(PUBLISHED BY AUTHORITY)

Vol. 86] BANGALORE, THURSDAY, MAY 31, 1951. [No. 22

PART IV

Section—1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L. D. 478—Legis. 4-51-28, Bangalore, dated 25th May 1951.

Ordered that the accompanying Finance Commission (Miscellaneous Provisions) Act, 1951 (Central, Act XXXIII of 1951), published in the *Gazette of India* Part II, Section 1, dated the 18th May 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Received Assent on 16th May 1951.

MINISTRY OF LAW.

THE FINANCE COMMISSION (MISCELLANEOUS PROVISIONS) ACT, 1951.

(XXXIII OF 1951).

AN

ACT

to determine the qualifications requisite for appointment as members of the Finance Commission and the manner in which they shall be selected, and to prescribe their powers.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Finance Commission (Miscellaneous Provisions) Act, 1951.

2. Definition.—In this Act, "the Commission" means the Finance Commission constituted by the President pursuant to clause (1) of article 280 of the Constitution.

3. Qualifications for appointment as, and the manner of selection of, members of the Commission.—The Chairman of the Commission shall be selected from among persons who have had experience in public affairs, and the four other members shall be selected from among persons who—

(*a*) are, or have been, or are qualified to be appointed as Judges of a High Court; or

(*b*) have special knowledge of the finances and accounts of Government; or

(*c*) have had wide experience in financial matters and in administration; or

(*d*) have special knowledge of economics.

4. Personal interest to disqualify members.—Before appointing a person to be a member of the Commission, the President shall satisfy himself that that person will have no such financial or other interest as is likely to affect prejudicially his functions as a member of the Commission; and the President shall also satisfy himself from time to time with respect to every member of the Commission that he has no such interest and any person who is, or whom the President proposes to appoint to be, a member of the Commission shall, whenever required by the President so to do, furnish to him such information as the President considers necessary for the performance by him of his duties under this section.

5. Disqualifications for being a member of the Commission.—A person shall be disqualified for being appointed as, or for being, a member of the Commission,—

(*a*) if he is of unsound mind;

(*b*) if he is an undischarged insolvent;

(*c*) if he has been convicted of an offence involving moral turpitude;

(*d*) if he has such financial or other interest as is likely to affect prejudicially his functions as a member of the Commission.

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6. Term of office of members and eligibility for reappointment.—Every member of the Commission shall hold office for such period as may be specified in the order of the President appointing him, but shall be eligible for reappointment:

Provided that he may, by letter addressed to the President, resign his office.

7. Conditions of service and salaries and allowances of members.—The members of the Commission shall render whole-time or part-time service to the Commission as the President may in each case specify, and there shall be paid to the members of the Commission such fees or salaries and such allowances as the Central Government may, by rules made in this behalf, determine.

8. Procedure and powers of the Commission.—(*1*) The Commission shall determine their procedure and in the performance of their functions shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), while trying a suit in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of witnesses;

(*b*) requiring the production of any document;

(*c*) requisitioning any public record from any court or office.

(*2*) The Commission shall have power to require any person to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevent to, any matter under the consideration of the Commission.

(*3*) The Commission shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

Explanation.—For the purposes of enforcing the attendance of witnesses, the local limits of the Commission's jurisdiction shall be the limits of the territory of India.

K. V. K. SUNDARAM,
Secretary to the Govt. of India.

NOTIFICATION.

No. L.D. 479 –Legis. 4-51-29, dated Bangalore, 25th May 1951.

Ordered that the accompanying Assam Rifles (Amendment) Act, 1951 (Central Act XXXIV of 1951) published in the *Gazette of India*, Part II, Section 1, dated the 18th May 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Received Assent on 17th May 1951.

MINISTRY OF LAW

THE ASSAM RIFLES (AMENDMENTS) ACT, 1951.

(XXXIV OF 1951).

AN

ACT

to amend the Assam Rifles Act, 1941.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Assam Rifles (Amendment) Act, 1951.

2. *Amendment of section 2, Act V of 1941.*—In section 2 of the Assam Rifles Act, 1941 (hereinafter referred to as the principal Act), to clause (*4*) the following words shall be added at the end, namely :—

"and a non-combatant appointed as such, whether before or after the commencement of the Assam Rifles (Amendment) Act, 1951 ;".

3. *Substitution of new section for section 5, Act V of 1941.*—For section *5* of the principal Act, the following section shall be substituted, namely :—

"*5. Classes and rank.*—(*1*) There may be all or any of the classes of riflemen specified in the table hereunder, namely :—

TABLE

Combatants 1	Non-combatants 2
(i) Subadars-Major. (ii) Subadars (iii) Jemadars and Transport Jemadars. (iv) Havildars-Major. (v) Havildars and Dafadars. (vi) Nalbands. (vii) Naiks. (viii) Lance Naiks. (ix) Buglers, riflemen and mule drivers	(i) Hospital attendants. (ii) Cooks. (iii) Water-carriers. (iv) Cart-men. (v) Range-warders. (vi) Barbers. (vii) Washermen. (viii) Sweepers.

and such grades in each class as the Central Government may from time to time direct.

(*2*) The persons specified in column 1 of the table in sub-section (*1*) shall take rank in the order mentioned in that column."

4. *Amendment of Section 8, Act V of 1941.*—At the end of section 8 of the principal Act, the following *Explanation* shall be inserted, namely :—

"*Explanation.*—For the purposes of this section, every non-combatant shall be deemed to be below the ra of a naik."

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5. *Amendment of Schedule to Act V of 1941.*—In paragraph 2 of the Schedule to the principal Act, after the words and bracket "motor driver,"; the words "or as a hospital attendant, cook, water-carrier, cart-man, range-warder, barber, washerman or sweeper" shall be inserted.

K. V. K. SUNDARAM,
Secretary to the Government of India.

NOTIFICATION.

No. L. D. 480—Legis. 4-51-26, dated Bangalore, the 25th May 1951.

Ordered that the accompanying Reserve Bank of India (Amendment) Act, 1951 (Central Act XXXII of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 17th May 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Received Assent on 15th May 1951.

MINISTRY OF LAW

THE RESERVE BANK OF INDIA (AMENDMENT) ACT, 1951.

XXXII OF 1951.

AN

ACT

further to amend the Reserve Bank of India Act, 1934.

BE it enacted by Parliament as follows:—

1. Short title and commencement.—(1) This Act may be called the Reserve Bank of India (Amendment) Act, 1951.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf.

2. Substitution of "India" for "States" in Act II of 1934.—In the Reserve Bank of India Act, 1934 (hereinafter referred to as the principal Act), unless otherwise expressly provided, for the words "the States", wherever they occur, the word "India" shall be substituted.

3. Amendment of section 1, Act II of 1934.—In sub-section (2) of section 1 of the principal Act, for the words and letter "Part B States" the words "the State of Jammu and Kashmir" shall be substituted.

4. Amendment of section 2, Act II of 1934.—In section 2 of the principal Act,—

(*i*) clause (*bb*) shall be relettered as clause (*c*);

(*ii*) the existing clause (c) shall be relettered as clause (*f*) and that clause, as so relettered, shall be inserted after clause (*e*);

(*iii*) clause (*ee*) shall be omitted;

(*iv*) after clause (*f*), as relettered, the following clause shall be inserted namely:—

'(*g*) the expressions "State Government" and "State Governments", unless otherwise expressly provided, do not include the Government of the State of Jammu and Kashmir.'

5. Amendment of section 7, Act II of 1934.—In section 7 of the principal Act, for sub-section (3) the following shall be substituted and shall be deemed to have been substituted with effect from the 1st day of January, 1949, namely:—

"(3) Save as otherwise provided in regulations made by the Central Board, the Governor and in his absence the Deputy Governor nominated by him in this behalf, shall also have powers of general superint ndence and direction of the affairs and the business of the Bank, and may exercise all powers and do all acts and things which may be exercised or done by the Bank."

6. Amendment of section 11, Act II of 1934.—In section 11 of the principal Act,—

(*a*) in sub-section (1), for the words "any other Director" the words "any other Director or any member of a Local Board" shall be substituted;

(*b*) in sub-section (5), for the words and letters "of a Part A State or a Part C State", the words "of any State" shall be substituted.

7. Amendment of section 17, Act II of 1934.—In section 17 of the principal Act,—

(1) in clause (1), the words and letter "Part B States" shall be omitted;

(2) in sub-clause (*a*) of clause (2), after the words "scheduled bank" the words "or a State co-operative bank" shall be inserted;

(3) in sub-clause (*b*) of clause (2), for the words "nine months" the words "fifteen months" shall be substituted;

(4) in sub-clause (*c*) of clause (2), the words and letter "or such securities of Part B States as may be specified in this behalf by the Central Government on the recommendation of the Central Board" shall be omitted;

(5) in clause (4),—

(*a*) the words and letter "Part B States" shall be omitted;

(*b*) in sub clause (*d*), for the words "which have been transferred" the words "such documents having been transferred" shall be substituted;

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(6) for clause (6), the following clause shall be substituted, namely :—

"(6) the issue of demand drafts, telegraphic transfers and other kinds of remittances made payable at its own offices or agencies, the purchase of telegraphic transfers, and the making, issue and circulation of bank post bills;";

(7) in clause (8),—

(*a*) the words and letter "or such Part B States" shall be omitted;

(*b*) in the first proviso, for the words "authority or State", in both the places where they occur, the words "or authority" shall be substituted;

(c) the second proviso shall be omitted;

(8) in clause (11),—

(*a*) the words and letter "or any Part B State" shall be omitted; and

(*b*) after the words and figures "established under the Industrial Finance Corporation Act, 1948", the words "or the Government of any such country outside India or any such person as may be approved in this behalf by the Central Government" shall be inserted;

(9) in clause (13), for the words "in the shares" the words "in the shares and securities" shall be substituted;

(10) in the second proviso to clause (14), for the words "share capital" the word "capital" shall be substituted.

(11) for clause (15A). the following clause shall be substituted, namely :—

"(15A) the performance of the functions of the Bank under the International Monetary Fund and Bank Ordinance, 1945 (XLVII of 1945), the Foreign Exchange Regulation Act, 1947 (VII of 1947), the Banking Companies Act, 1949 (X of 1949) or any other law for the time being in force;".

8. Amendment of section 18, Act II of 1934.—In sub-section (1) of section 18 of the principal Act, for the words "Central Board" the word "Bank" shall be substituted and shall be deemed to have been substituted with effect from the 1st day of January, 1949.

9. Amendment of section 19, Act II of 1934.—For clause (2) of section 19 of the principal Act, the following clause shall be substituted, namely :—

"(2) purchase the shares of any Banking company or of any other company, or grant loans upon the security of any such shares;".

10. Amendment of section 20, Act II of 1934.—In section 20 of the principal Act, for the words and letter "the State Governments and such Part B States as may be approved of and notified by the Central Government in the Gazette of India" the words and letter "and the Governments of Part A States" shall be substituted.

11. Amendment of section 21, Act II of 1934.—To section 21 of the principal Act, the following sub-section shall be added, namely :—

"(5) In this section, the expressions "State Government" and "State Governments" do not include the Government of any Part B State."

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12. Insertion of new section 21A in Act II of 1934.—After section 21 of the principal Act, the following section shall be inserted, namely :—

"21A. *Bank to transact Government business of Part B States on agreement.*—(1) The Bank may by Agreement with the Government of any Part States undertake—

(*a*) all its money, remittance, exchange and banking transactions in India, including in particular, the deposit free of interest, of all its cash balances with the Bank ; and

(*b*) the management of the public debt of, and the issue of any new loans by, that State.

(2) Any agreement made under this section shall be laid, as soon as may be after it is made, before Parliament.

13. Amendment of section 26, Act II of 1934—In sub-section (2) of section 26 of the principal Act, for the words "save at an office or agency of the Bank", the words "save at such office or agency of the Bank and to such extent as may be specified in the notification" shall be substituted.

14. Amendment of Section 33, Act II of 1934.—In sub-section (3) of section 33 of the principal Act, for the words and figures "of section 18" the words, figures and brackets "of sub-section (1) of section 18" shall be substituted.

15. Amendment of sections 36 and 37, Act II of 1934.—In sections 36 and 37 of the principal Act, for the words "sterling securities", wherever they occur, the words "foreign securities" shall be substituted.

16. Amendment of section 42, Act II of 1934,—In section 42 of the principal Act,—

(1) for sub-section (2), the following shall be substituted, namely :—

"(2) Every scheduled bank shall send to the bank a return signed by two responsible officers of such bank showing—

(*a*) the amount of its demand and time liabilities and the amount of its borrowings from banks in India,

(*b*) the total amount of legal tender notes and coins held by it in India,

(*c*) the balance held by it at the Bank in India,

(*d*) the balances held by it at other banks in current account and the money at call and short notice in India,

(*e*) the investments (at book value) in Central and State Government securities including treasury bills and treasury deposit receipts,

(*f*) the amount of advances in India,

(*g*) the inland bills purchased and discounted in India, at the close of business on each Friday, and every such return shall be sent not later than five days after the date to which it relates :

Provided that where Friday is a public holiday under the Negotiable Instruments Act, 1881, (XXVI of 1881), for one or more offices of a scheduled bank, the retun shall give the preceding working day's figures in respect of such office or offices, but shall neverthless be deemed to relate to that Friday :

Provided further that where the Bank is satisfied that the furnishing of a weekly return under this sub-section is impracticable in the case of any scheduled bank by reason of the geographical position of the bank and its branches, the Bank may allow such bank—

(*i*) to furnish a provisional return for the week within the period aforesaid to be followed up by a final return not later than ten days after the date to which it relates, or

(*ii*) to furnish in lieu of a weekly return a monthly return to be sent not later than fourteen days after the end of the month to which it relates giving the details specified in this sub-section in respect of such bank at the close of business for the month.";

(2) in sub-section (3A), in clause (*a*) and in the *Explanation*, the words "managing agent" shall be omitted;

(3) in sub-section (4), for the words "shall be liable to pay to the Central Government or to the Bank as the case may be, or to each," the words "shall be liable to pay to the Bank" shall be substituted;

(4) in sub-section (5), for the words, brackets and figure "by the Central Government in the case of a failure to make a return under sub-section (2) to the Central Government, or by the Bank with the previous sanction of the Central Government in other cases", the words "by the Bank" shall be substituted;

(5) in clause (*a*) of sub-section (6), for the words "in any State of India" and "outside the States of India", the words "in India" and "outside India" shall respectively be substituted;

(6) after sub-section (6), as so amended, the following sub-section shall be inserted, namely:—

"(7) The Bank may, for such period and subject to such conditions as may be specified, grant to any scheduled bank such exemptions from the provisions of this section as it thinks fit with reference to all or any of its offices or with reference to the whole or any part of its assets and liabilities."

17. Amendment of section 44, Act II of 1934.—In section 44 of the principal Act, the words and figures "with which it has any transction under section 17" shall be omitted.

18. Amendment of section 51, Act II of 1934.—In section 51 of the principal Act, for the words "Auditor General", the words "Comptroller and Auditor General" shall be substituted.

19. Amendment of the Third Schedule, Act II of 1934.—In paragraph 2 of the Third Schedule to the principal Act, for the words "the States" the words and letters "Part A States and Part C States" shall be substituted.

K. V. K. SUNDARAM,

Secretary to the Government of India.

NOTIFICATION.

No. L.D. 181—Legis. 4-51-24, dated Bangalore, 25th May 1951.

Ordered that the following President's Pension Act, 1951 (Central Act XXX of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 17th May 1951, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Received the Assent on 13th May 1951

MINISTRY OF LAW

THE PRESIDENT'S PENSION ACT, 1951.

(XXX OF 1951).

AN

ACT

to provide for the payment of pensions to retiring Presidents.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the President's Pension Act, 1951.

2. Pension to retiring Presidents.—There shall be paid to every person who ceases to hold office as President, either by the expiration of his term of office or by resignation of his office, a pension of fifteen thousand rupees per annum for the remainder of his life :

Provided that, where any such person is re-elected to that office, no pension shall be payable for the period during which he again holds office as President.

3. Pension to the last Governor-General.—The provisions of Section 2 shall apply to the p rson who held office as the last Governor-General of India as they shall apply to any person who ceases to hold office as President.

4. Pensions to be charged on the Consolidated Fund of India.—Any pension payable under this Act shall be charged on the Consolidated Fund of India.

K. V. K. SUNDARAM, *Secy.*

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at the Government Press, Bangalore.

PART IV 253

Section 1-C

RULES, ORDERS AND NOTIFICATIONS, UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. H.B. 1478—Ptl. 4-51-4, dated Bangalore, 23rd May 1951.

Ordered that the following Notification No. III (PMT) (X-I)/51-N(8), dated 3rd May 1951, of the Government of India, Ministry of Rehabilitation, further amending the Permit System Rules, 1949, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

E. V. GANAPATI IYER,
Chief Secretary to Government.

Copy of Notification No. III/PMT (X1)/51-N(8), dated 3rd May 1951, received from the Government of India, Ministry of Rehabilitation, New Delhi.

In exercise of the powers conferred by Section 4 of the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949), the Central Government hereby directs that the following further amendments shall be made in the Permit System Rules, 1949, namely :—

(i) In forms A,B, and C, after column 5 (*b*) the following additional column shall be inserted, namely :

"(*c*) Whether you are or have previously been a member of the Armed Forces of Pakistan or a Civilian Government servant in any Department connected directly with the Defence Services of Pakistan."

NOTIFICATION.

No.S.D. 1115—C. 13-51-5, dated Bangalore, 15th May 1951.

Ordered that the following Notification No. S.R.O. 464, dated 30th March 1951, of the Ministry of Food and Agriculture, under the Essential Supplies (Temporary Powers) Act, 1946, published in the *Gazette of India*, Extraordinary, Part II, Section 3, dated 30th March 1951, be published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

MINISTRY OF FOOD AND AGRICULTURE.

NOTIFICATION.

New Delhi, the 30th March 1951.

S.R.O. 464.—In supersession of Notification No. S.R.O. 394, dated the 17th August 1950, No. S.R.O. 620, dated the 15th September 1950 and No. S.R.O. 204 (6), dated the 15th February 1951, the Central Government in exercise of the powers conferred by Section 3 of Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), is pleased to fix with effect from the 30th March 1951 the price specified in column 2 of the Schedule noted hereunder as the maximum price at which gram may be bought or sold in the States specified in the corresponding entry in column 1 of the said Schedule.

SCHEDULE.

Name of the State.		*Maximum price per maund of 82-2/7 lbs.*
1		2
		Rs.
Punjab	...	12
Patiala and East Punjab States Union	...	12
Himachal Pradesh	...	12
Bilaspur	...	12
Uttar Pradesh	...	12
Rajasthan	...	12
Delhi	...	12
Ajmer	...	12
Madhya Pradesh	...	12
Vindhya Pradesh	...	12
Madhya Bharat	...	12
Bhopal	...	12
Bihar	...	15
Hyderabad	...	15
Assam	...	15
Tripura	...	15
Manipur	...	15
West Bengal	...	15
Saurashtra	...	15
Kutch	...	15
Bombay	...	15
Travancore-Cochin	...	15
Mysore	...	15
Coorg	...	15
Madras	...	15
Orissa	...	15

(No. CG-603 (48)/50.)

S. K. SEN, *Dy. Secy.*

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NOTIFICATION.

No. S. D. 1398—C. 13-51-7, dated Bangalore, 24th May 1951.

Ordered that the following Notification No. S. R. O. 657, dated 8th May 1951, of the Ministry of Food and Agriculture, under the Essential Supplies (Temporary Powers) Act, 1946, published in the *Gazette of India*, Extraordinary, Part II, Section 3, dated 8th May 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

MINISTRY OF FOOD AND AGRICULTURE.

NOTIFICATION.

New Delhi, the 8th May 1951.

S. R. O. 657.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to fix with immediate effect the prices specified in columns 2 and 3 of the Schedule mentioned hereunder as the maximum prices at which gram dhal and besan may be bought and sold in the States specified in the corresponding entry in column 1 of the said Schedule.

SCHEDULE.

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Name of State	Maximum price of gram dhal per maund of 82-2/7 lbs.	Maximum price of besan per maund of 82-2/7 lbs.
1	2	3
	Rs.	Rs.
Punjab	14	15
Pepsu	14	15
Himachal Pradesh ...	14	15
Bilaspur	14	15
Uttar Pradesh	14	15
Rajasthan	14	15
Delhi	14	15
Ajmer	14	15
Madhya Pradesh ...	14	15
Vindhya Pradesh ...	14	15
Madhya Bharat ...	14	15
Bhopal	14	15
Bihar	17	18
Hyderabad	17	18
Assam	17	18
Tripura	17	18
Manipur	17	18
West Bengal	17	18
Saurashtra	17	18
Kutch	17	18
Bombay	17	18
Travancore-Cochin ...	17	18
Mysore	17	18
Coorg	17	18
Madras	17	18
Orissa	17	18

(No. C. G. 603 (48)—51)

S. K. SEN. *Dy. Secy.*

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-A.

MYSORE BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. 1355—L.A. Bangalore, dated the 30th May 1951.

As required by Standing Order 36 of the Legislative Assembly Standing Orders the following report of the Select Committee on the City of Bangalore Municipal Corporation (Amendment) Bill, 1951, with the amended bill is hereby published.

MYSORE LEGISLATIVE ASSEMBLY.

Budget Session, 1951.

Report of the Select Committee on the City of Bangalore Municipal Corporation (Amendment) Bill, 1951.

(Presented on 28th May 1951).

We, the Members of the Select Committee appointed to consider the City of Bangalore Municipal Corporation (Amendment) Bill, 1951, have examined the several clauses of the Bill. We have also met representatives of the Bangalore Municipal Corporation and have been benefited by their views. We have the honour to submit the following report :—

Original Clause 3.—We consider it unnecessary to provide for any special representation for Associations or corporate bodies and we accordingly recommend that clause 3 of the Bill may be omitted.

Original Clause 5.—Section 20 of the Corporation Act empowers the Corporation to make regulations for the purpose of determining the powers and duties of

each standing committee and for a conference of two or more standing committees or for the appointment of joint committees. We consider it unnecessary to require that these regulations should take effect only after approval by the Government. We accordingly recommend that clause 5 of the Bill may be deleted.

Original Clause 6.—We have carefully examined the proposed section 22A and we are of the opinion that it is not desirable to provide that no decision of a standing committee should have effect unless it is approved by a resolution of the Corporation. In matters relating to the municipal government of the City, it is doubtless true that the Corporation must have the ultimate control. But standing committees if permitted to function in their own right would relieve the Corporation of a great deal of the details of such Government. We however consider it desirable that the limit up to which a standing committee may operate in its own right without reference to the Corporation, except in cases where the Corporation directs otherwise, should be changed and we accordingly recommend that expenditure or estimates which may be sanctioned by a standing committee may be changed from Rs. 25,000 to Rs. 10,000. Necessary amendments to the Corporation Act will be indicated in their proper places in this report. We recommend that clause 6 of the Bill may be deleted in the circumstances.

Clause 7 (*Original Clause* 10).—We recommend that clause 7 be recast as follows :—

"7. In section 47 of the said Act,—

(*a*) the words "on the ground that it is in excess of the powers conferred by this Act or by any rules made under this Act" in clause (*a*) of sub-section (2) shall be omitted ;

(*b*) at the end of the proviso to sub-section (2) the words "and the order of the Government thereon shall be final" shall be added ; and

(*c*) sub-section (3) shall be omitted."

Clause 10 (*Original Clause* 13).—Clause 10 of the Bill seeks to add a sub-section to section 73 to

the effect that no sale or transfer of any property exceeding Rs. 5,000 and no grant of any property whatsoever free of cost or at an upset price should be valid except with the previous sanction of the Government. We consider it sufficient if the previous sanction of the Government is required only in cases of free grants of any property or of sale of property exceeding Rs. 2,000 otherwise than by public auction. We accordingly recommend that sub-section (6) of section 73 proposed to be added by clause 10 may be recast as follows :—

"(6) Notwithstanding anything contained in the foregoing provisions of this section, no property, whether movable or immovable, exceeding Rs. 2,000 in value shall be sold otherwise than by public auction and no property movable or immovable of whatever value shall be granted free of cost except with the previous sanction of the Government."

Clause 11 (*Original Clause* 14).—Since the powers of a standing committee are proposed to be changed, we consider it desirable that the powers of the Commissioner should also be correspondingly changed. We are also of the view that it is desirable that the limits up to which the Corporation can act in its own right should also be changed from one lakh of rupees to Rs. 50,000. We accordingly recommend that clause 11 may be recast as follows :—

"11. In section 77 of the said Act,—

(*a*) in sub-section (1) for the words "five thousand rupees" the words "three thousand rupees" shall be substituted ;

(*b*) in sub-section (2) for the words "five thousand rupees" the words "three thousand rupees" and for the words "twenty-five thousand rupees" the words "ten thousand rupees" shall be substituted ;

(*c*) after sub-section (2) the following sub-section shall be added :—

(3) Any estimate the amount of which exceeds Rs. 10,000, and where the

Corporation either generally or in any specified case so directs any estimate the amount of which is less than Rs. 10,000, shall require the sanction of the Corporation."

Clause 12 (*Original Clause* 15).—Since we have recommended that the limits of the Corporation may be changed to Rs. 50,000, we recommend that the words "twenty-five thousand rupees" occurring in sub-clause (2) of clause 12 may be substituted by the words "fifty thousand rupees".

"*Clause* 13 (*New Clause*)—Section 79 of the Act would require changes corresponding to those recommended in respect of sections 77 and 78. We accordingly recommend that a new clause may be inserted in the Bill as follows :—

"13 In sub-section (2) of section 79 of the said Act,—

(*a*) in clause (*c*) for the words "five thousand rupees" the words "three thousand rupees" and for the words "twenty-five thousand rupees" the words "ten thousand rupees" shall be substituted;

(*b*) in clause (*d*) for the words "twenty-five thousand rupees" the words "ten thousand rupees" shall be substituted; and

(*c*) in clause (*e*) for the words "five thousand rupees" the words "three thousand rupees" shall be substituted."

"*Clause* 14 (*New Clause*).—Clause 15 of the Bill requires that appointments to posts carrying a salary of not less than Rs. 250 should be made with the previous sanction of the Government. The idea underlying this clause is to make even appointments under section 84 or 85 subject to this provision. We consider it necessary to amend these sections also in this respect and we accordingly recommend the following amendments to sections 84 and 85 :—

"14. The proviso to sub-section (1) of Section 84 and the third proviso to section 85 of the said Act shall be omitted."

Clause 15 (*Original Clause* 16).—We recommend that sub-section (2) of section 89 proposed to be added by clause 15 may be recast as follows :—

"(2) Any appointment to an office under the Corporation under section 84 or section 85 or under this section the maximum monthly salary of which exceeds Rs. 250 shall be made only with the previous sanction of the Government."

Clause 16 (*Original Clause* 17).—We recommend that in clause (*f*) proposed to be added to section 97, for the words "toll on vehicles" the words "toll on vehicles other than motor vehicles paying vehicle tax under the Mysore Motor Vehicles Taxation and Tolls Act, 1951 (Act XII of 1951)" may be substituted :

Clause 18 (*Original Clause* 19).—We are of the opinion that the duty on transfers of property should be limited to sale, gift or mortgage only and we accordingly recommend that the words "or otherwise" in the two places where they occur in clause 19 may be deleted.

"*Clauses* 19 *and* 20 (*New Clauses*).—Under clause 6 of the Bill, the official year will commence on the first day of April and this would require that sections 163, 164, 165 and 167 should be correspondingly amended. We accordingly recommend that the following new clauses may be inserted in the Bill :—

"19. In section 163 of the said Act, for the words "Fifteenth day of April" the words "Fifteenth day of January" shall be substituted.

"20. In section 164 of the said Act,—

(*a*) in sub-section (1) for the words "Fifteenth day of April" the words "Fifteenth day of January" shall be substituted; and

(*b*) in sub-section (3) for the words "Fifteenth day of May" the words "First day of February" shall be substituted.

Clause 21 (*New Clause*).—In section 165 of the said Act, for the words "First week of June" the words "Fifteenth day of February" shall be substituted."

Clause 22 (*Original Clause* 20).—Section 167 of the Corporation Act requires that the Corporation should pass the Budget before the beginning of the year and submit a copy to Government which may modify the Budget to ensure due fulfilment of the several duties imposed on the Corporation by the Act or by any other law. We feel that the amendment proposed by clause 22 would not be effective unless sub-section (2) of section 167 is also amended. We also consider it necessary for Government to have at least two weeks time to scrutinise the Budget of the Corporation. We accordingly recommend that for the original clause 20, the following clause may be substituted :—

"*Clause* 22.—For Section 167 of the said Act, the following section shall be substituted :—

"167 (1) The Corporation shall finally pass the Budget Estimate at least 3 weeks before the beginning of the year to which it relates and shall forthwith submit a copy thereof to the Government.

(2) The Government may sanction the Budget in its entirety or subject to such modifications as it thinks fit."

Clause 23 (*New Clause*).—By the amendment proposed to section 77 of the Act, it is now made permissible for the Corporation to examine any resolution of a standing committee requiring expenditure of amounts even less than Rs. 10,000. In order that a member of the Corporation may be enabled to raise such a matter in the Corporation and get its decision, it is necessary that resolutions of a standing committee should be made available to members well in time. We accordingly recommend that a new rule may be added to Schedule II of the Act as Rule 21 :—

"21. Every resolution of a standing committee shall be made available to every member of the Corporation within fifteen days from the date of the passing of such resolution, and the Corporation may, on a motion by any member of the Corporation, modify or amend or revoke any such resolution."

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The Bill was published in the *Mysore Gazette*, Extraordinary, dated 14th March 1951.

In our opinion the Bill has not been so altered as to require republication.

R. Chennigaramiah (*Chairman*).
Mohamed Hanief.
B. M. Shamanna Gowda.
V. S. Narayana Rao.
W. H. Hanumanthappa.
M. C. Sivananda Sarma.

BANGALORE,
14th May 1951.

NOTE—Sri G. A. Acharya and *Lokasevaniratha* M. Hanumanthiah have not signed the report.

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(As Amended by the Select Committee.)

(Words underlined or sidelined indicate the changes suggested by the Committee. Omissions are indicated by asterisks.)

THE CITY OF BANGALORE MUNICIPAL CORPORATION (AMENDMENT) BILL, 1951.

A Bill further to amend the City of Bangalore Municipal Corporation Act, 1949.

Preamble.

WHEREAS it is expedient further to amend the City of Bangalore Municipal Corporation Act, 1949, (Mysore Act LXIX of 1949), for the purposes hereinafter appearing;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the City of Bangalore Municipal Corporation (Amendment) Act, 1951.

(2) It shall come into force at once.

Amendment of section 3 of Mysore Act LXIX of 1949.

2. In section 3 of the City of Bangalore Municipal Corporation Act, 1949, (hereinafter referred to as the said Act), after clause (18), the following clause shall be inserted namely :—

"(18-*a*) 'Government' means the State Government;"

3. * * * *

Amendment of section 6 of Mysore Act LXIX of 1949.

3. In sub-section (1) of section 6 of the said Act, for the word "five," the word "six" shall be substituted, and after clause (v), the following clause shall be added, namely :—

"(vi) education."

5. * * * *

6. * * * *

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4. In section 23 of the said Act, in sub-section (1), the words "but the Corporation shall not be entitled to exercise functions expressly assigned by or under this Act or any other law for the time being in force to a Standing Committee or the Commissioner", and sub-section (2) shall be omitted.

Amendment of section 23 of Mysore Act LXIX of 1949.

5. Section 26 of the said Act shall be numbered as sub-section (1) of the said section and after the section as so numbered, the following sub-section shall be added namely:—

"(2) Without prejudice to the provisions of sub-section (1), the Corporation may make provision in the annual budget for serving light refreshment at the meetings of the Corporation and the Standing Committees,"

Amendment of section 26 of Mysore Act LXIX of 1949.

6. In sub-section (1) of section 42 of the said Act, for the words "first day of July," the words "first day of April" shall be substituted; and for the words "first day of July", wherever they occur in the said Act, the words "first day of April" shall be substituted.

Amendment of section 42 of Mysore Act LXIX of 1949.

7. In section 47 of the said Act,—

(*a*) the words 'on the ground that it is in excess of the powers conferred by this Act or by any rules made under this Act' in clause (*a*) of sub-section (2) shall be omitted;

(*b*) at the end of the proviso to sub-section (2) the words "and the order of the Government thereon shall be final" shall be added; and

(*c*) sub-section (3) shall be omitted.

Amendment of section 47 of Mysore Act LXIX of 1949.

8. In sub-section (1) of section 58 of the said Act, for the words "His Highness the Maharaja" where they occur for the first time, the words "the Constitution" shall be substituted; for the words 'solemnly $\frac{\text{swear}}{\text{affirm}}$ that I will be faithful and bear true allegiance to His Highness the Maharaja of

Amendment of section 58 of Mysore Act LXIX of 1949.

Mysore, his heirs and successors," the words "swear in the name of God / solemnly affirm that I will bear true faith and allegiance to the Constitution of India" shall be substituted, and for the word "duties," the word "duty" shall be substituted.

Amendment of section 70 of Mysore Act LXIX of 1949.

9. In section 70 of the said Act, for the figure "70", the figure "69" shall be substituted.

Amendment of section 73 of Mysore Act LXIX of 1949.

10. After sub-section (5) of section 73 of the said Act, the following sub-section shall be added, namely:—

"(6) Notwithstanding anything contained in the foregoing provisions of this section, no property whether movable or immovable exceeding two thousand rupees in value shall be sold otherwise than by public auction and no property movable or immovable of whatever value shall be granted free of cost except with the previous sanction of the Government."

Amendment of section 77 of Mysore Act LXIX of 1949.

11. In section 77 of the said Act,—

(*a*) in sub-section (1) for the words "five thousand rupees" the words "three thousand rupees" shall be substituted;

(*b*) in sub-section (2) for the words "five thousand rupees" the words "three thousand rupees" and for the words "twenty-five thousand rupees" the words "ten thousand rupees" shall be substituted;

(*c*) After sub-section (2) the following sub-section shall be added:

"(3) Any estimate the amount of which exceeds ten thousand rupees and where the Corporation either generally or in any specified case directs any estimate the amount of which is less than ten thousand rupees shall require the sanction of the Corporation."

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12. In section 78 of the said Act,— Amendment of section 78 of Mysore Act LXIX of 1949.

(1) in sub-section (1) for the words "twenty-five thousand rupees" the words "ten thousand rupees", shall be substituted;

(2) in clause (*a*) of sub-section (2), for the words "one lakh of rupees", the words "fifty thousand rupees" shall be subsituted.

13. In sub-section (2) of section 79 of the said Act,— Amendment of section 79 of Mysore Act LXIX of 1949.

(*a*) in clause (*c*) for the words "five thousand rupees" the words "three thousand rupees" and for the words "twenty-five thousand rupees" the words "ten thousand rupees" shall be substituted;

(*b*) in clause (*d*) for the words "twenty-five thousand rupees" the words "ten thousand rupees" shall be substituted; and

(*c*) in clause (*e*) for the words "five thousand rupees" the words "three thousand rupees" shall be substituted.

14. The proviso to sub-section (1) of section 84 and the third proviso to section 85 of the said Act shall be omitted. Amendment of sections 84 and 85 of Mysore Act LXIX of 1949.

15. Section 89 of the said Act shall be numbered as sub-section (1) of that section and after the section as so numbered, the following sub-section shall be added, namely :— Amendment of section 89 of Mysore Act LXIX of 1949.

"(2) Any appointment to an office under the Corporation under section 84 or section 85 or under this section the maximum monthly salary of which exceeds two hundred and fifty rupees shall be made only with the previous sanction of the Government."

16. In section 97 of the said Act, after clause (*e*), the following clause shall be inserted, namely :— Amendment of section 97 of Mysore Act LXIX of 1949.

"(*f*) a toll on vehicles other than motor vehicles paying vehicle tax under the Mysore Motor

Vehicles Taxation and Tolls Act 1951 (Act XII of 1951) entering the Corporation limits;" and the existing clauses (*f*) and (*g*) shall be re-lettered as clauses (*g*) and (*h*) and the existing clause (*h*) shall be omitted.

Amendment of section 101 of Mysore Act LXIX of 1949.

17. In section 101 of the said Act,

(1) in clause (*h*) the words "being neither building, nor land" shall be omitted;

(2) after clause (*i*), the following clause shall be inserted, namely :—

"(*j*) buildings belonging to the Government or the Government of India;" and the existing clause (*j*) shall be re-lettered as clause (*k*).

Amendment of section 142 of Mysore Act LXIX of 1949.

18. In section 142 of the said Act, for the words "on instruments of sale and gift", the words "on all instruments of transfer of immovable property by sale, gift or mortgage * * *" shall be substituted, and for the words "sale or gift" in the proviso, the words "sale, gift or mortgage * * *" shall be substituted.

Amendment of section 163 of Mysore Act LXIX of 1949.

19. In section 163 of the said Act for the words "Fifteenth day of April" the words "Fifteenth day of January" shall be substituted.

Amendment of section 164 of Mysore Act LXIX of 1949.

20. In section 164 of the said Act,—

(*a*) in sub-section (1) for the words "Fifteenth day of April" the words "Fifteenth day of January" shall be substituted; and

(*b*) in sub-section (3) for the words "Fifteenth day of May" the words "First day of February" shall be substituted.

Amendment of section 165 of Mysore Act LXIX of 1949.

21. In section 165 of the said Act, for the words "First week of June" the words "Fifteenth day of February" shall be substituted.

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22. For section 167 of the said Act, the following section shall be substituted :—

Substitution of section 167 of Mysore Act LXIX of 1949.

"167 (1) The Corporation shall finally pass the Budget Estimate at least three weeks before the beginning of the year to which it relates and shall forthwith submit a copy thereof to the Government.

(2) The Government may sanction the Budget in its entirety or subject to such modifications as it thinks fit."

23. The following new rule may be added to Schedule II of the said Act as Rule 21 :—

Amendment of schedule II of Mysore Act LXIX of 1949.

"21. Every resolution of a Standing Committee shall be made available to every member of the Corporation within fifteen days from the date of the passing of such resolution and the Corporation may, on a motion by any member of the Corporation, modify or amend or revoke any such resolution."

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

NOTIFICATION.

No. 1356--L. A. dated Bangalore, 30th May 1951.

As required by Standing Order 36 of the Legislative Assembly Standing Orders the following report of the Select Committee on the Mysore University (Amendment) Bill, 1951 with the amended bill is hereby published.

MYSORE LEGISLATIVE ASSEMBLY.

Budget Session, 1951.

Report of the Select Committee on the Mysore University (Amendment) Bill, 1951.

(*Presented on 28th May 1951*)

We, the members of the Select Committee to which the Mysore University (Amendment) Bill, 1951, was referred, have considered the several clauses of the Bill and have the honour to submit the following report :—

Clause 2.—We are of the opinion that twelve members should be elected from the Legislative Assembly and not eight as proposed in the Bill, as the representation from the old Legislature was twelve.

We find that section 13 of the Mysore University Act, 1933, has been amended by an amending Act passed in 1939 (Act XII of 1939). Sub-section (1) of section 13 of the original Act provided for the constitution of a Senate and had clauses running from (a) to (k). The amending Act of 1939 introduced an addition which that Act specified to be clause (e). Unfortunately there was no provision for re-lettering of the other clauses of this sub-section. Actually clauses (e) to (k) of the original Act should have been re-lettered as clauses (f) to (l) thus permitting the introduction of a new clause as clause (e). Now that this section is proposed to be amended once again,

we consider it desirable to make these corrections and we accordingly recommend that clause 2 of the Bill may be recast as follows:—

"2. For sub-section (1) of section 13 of the Mysore University Act, 1933 (hereinafter referred to as the said Act), the following sub-section shall be substituted, namely,—

THE SENATE.

13. (1) The Senate shall consist of—

Class I—Ex-officio Members.

(*a*) The Vice-Chancellor and the other members of the Council mentioned in Section 14.

(*b*) The Registrar.

(*c*) The Deans of the Faculties.

(*d*) The University Professors.

(*e*) The Principals of affiliated and constituent Colleges.

Class II—Elected Members.

(*f*) Four members elected by the Academic Council from among its members.

(*g*) Six members elected by registered graduates from among themselves.

(*h*) Twelve members elected by and from the Legislative Assembly.

Class III—Nominated Members.

(*i*) Other members nominated by the Chancellor so as to make up along with members in classes I and II a total membership not exceeding seventy-five.

Class IV—Additional Members.

(*j*) One representative of each of such Municipalities, District Boards and Associations as undertake to contribute a sum of not less than Rs. 2,000 per annum for a period of not less than five years to the University Fund for the general

purposes of the University so long as the contributions continue to be paid; and

(*k*) Every person who contributes to the University Fund for the general purposes of the University a sum of not less than ten thousand rupees or transfers property of the like value. Every such person shall be a life member of the Senate."

The Bill was published in the Gazette Extraordinary dated 14th March 1951.

In our opinion the Bill has not been so altered as to require republication.

R. Chennigaramiah (*Chairman*)
Mohamed Valiulla,
M. Madiah,
T. Madiah Gowda,
K. Singari Gowda,
K. Puttaswamy,
M. N. Jois.

BANGALORE,
14th May 1951.

Srimathi M. Ratnamma Isaac was not present at the meeting of the Committee.

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[As amended by the Select Committee.]

(Words underlined or sidelined indicate the changes suggested by the Committee. Omissions are indicated by asterisks.)

THE MYSORE UNIVERSITY (AMENDMENT) BILL, 1951.

A Bill further to amend the Mysore University Act, 1933.

WHEREAS it is expedient further to amend the Mysore University Act, 1933, (Mysore Act III of 1933), for the purposes hereinafter appearing; Preamble

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore University (Amendment) Act, 195 . Short title and commencement.

(2) It shall come into force at once.

2. For sub-section (1) of section 13 of the Mysore University Act, 1933 (hereinafter referred to as the said Act), the following sub-section shall be substituted, namely,— Amendment of section 13 of Mysore Act III of 1933.

"THE SENATE

13. (1) The Senate shall consist of—

Class I—Ex-officio Members.

(*a*) The Vice-Chancellor and the other members of the Council mentioned in Section 14.

(*b*) The Registrar.

(*c*) The Deans of the Faculties.

(*d*) The University Professors.

(*e*) The Principals of affiliated and constituent Colleges.

Class II—Elected Members.

(*f*) Four members elected by the Academic Council from among its members.

(*g*) Six members elected by registered graduates from among themselves,

(*h*) Twelve members elected by and from the Legislative Assembly.

Class III—Nominated Members.

(*i*) Other members nominated by the Chancellor so as to make up along with members in classes I and II a total membership not exceeding seventy-five.

Class IV—Additional Members.

(*j*) One representative of each of such Municipalities, District Boards and Associations as undertake to contribute a sum of not less than Rs. 2,000 per annum for a period of not less than five years to the University Fund for the general purposes of the University so long as the contributions continue to be paid; and

(*k*) Every person who contributes to the University Fund for the general purposes of the University a sum of not less than ten thousand rupees or transfers property of the like value. Every such person shall be a life member of the Senate."

Amendment of section 19 of Mysore Act III of 1933.

3. To section 19 of the said Act, the following sub-section shall be added, namely:—

"(8) Notwithstanding anything contained in the preceding sections of this Act or in any Statute made thereunder, the State Government may, by notification in the *Mysore Gazette*, and for reasons to be set forth in the notification, extend the term of any Senate, Council, Academic Council, Faculty or other authority of the University constituted under this Act or under any Statute, to such term not exceeding four years in the aggregate."

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

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PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. E.B. 869—Eln. 17-50-2, Bangalore, dated the 29th May 1951.

In exercise of the powers conferred by clause (b) of rule 2 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, and in supersession of Notification No. E.B. 1206—Eln. 17-50-1, dated the 21st March 1951, His Highness the Maharaja of Mysore is pleased to appoint the Legal Remembrancer and Secretary to Government, Law Department, to perform the functions of the Chief Electoral Officer for the State of Mysore under the said rules.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

No. S.R. 1248—Ex. 3-51-8, dated Bangalore, 22nd May 1951.

In exercise of the powers conferred by Sections 17 and 18 of the Mysore Excise Act, 1901 (Mysore Act V of 1901), and in modification of Notifications No. Fl. 5140-Ex. 98-42-2, dated 3rd April 1943, and No. F. L. 4256—G. F. 97-43-2, dated 16th March 1944, His Highness the Maharaja of Mysore is pleased to direct that the following rates of duty and tax shall be levied with effect from 1st July 1951 in respect of the following:—

		Rate of Duty
1. Molasses Arrack of 35° U. P.	...	Nine rupees per gallon (Rs. 9-0-0 per gallon)
		Rate of Tax
2. Cocoanut Trees	...	Rupees seven and annas eight (Rs. 7-8-0) per tree per each half year ending with December and June.
3. Date Trees	...	Rupees five (Rs. 5-0-0) per annum.

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,

Secretary to Government, Revenue Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Reg No. M. 1175

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

EXTRAORDINARY

BANGALORE, FRIDAY, JUNE 1, 1951.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 527—L.A. 1-51-4, Bangalore, dated 1st June 1951.

In exercise of the powers conferred by sub-sections (1) and (2) of section 5 of the Mysore Payment of Salaries and Allowances to Members of the Legislative Assembly Act, 1951, (Mysore Act II of 1951), His Highness the Maharaja of Mysore is pleased to direct that the following amendments shall be made in the Mysore Legislative Assembly (Members' Salaries and Allowances) Rules, 1951, namely,—

1. In rule 6 of the said Rules, for the words "No mofussil member", the words "Save as otherwise provided in rule 8 A, no mofussil member" shall be substituted and shall always be deemed to have been substituted.

2. After rule 8 of the said Rules, the following rule shall be inserted and shall always be deemed to have been inserted, namely,—

"8A. A mofussil member who arrives a day before, or leaves a day after, the day of the meeting, will be

entitled to draw daily allowance for the day before or the day after the day of the meeting, or for both the days, as the case may be, provided he certifies that he was present during such day or days at the place of the meeting.

Explanation.—For the purposes of this rule, in the case of a meeting which extends for more than one day, the day before the day of the meeting, shall be deemed to be the day before the day of commencement of the meeting, and the day after the day of the meeting, shall be deemed to be the day after the day of conclusion of the meeting."

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Reg. No. M. 1175.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

Vol. 86] BANGALORE, THURSDAY, JUNE 7, 1951. [No. 23

PART IV

Section—1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 3344—Legis. 2-50-68, dated Bangalore, the 9th March 1951.

Ordered that the accompanying Appropriation Act, 1951 (Central Act VII of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 2nd March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

Received Assent on 1st March 1951.

GOVERNMENT OF INDIA

MINISTRY OF LAW.

THE APPROPRIATION ACT, 1951.

VII OF 1951.

AN

ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March, 1951.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Appropriation Act, 1951.

2. **Issue of Rs. 33,18,05,000 out of the Consolidated Fund of India for the year 1950-51.**—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of thirty-three crores eighteen lakhs and five thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1951, in respect of the services specified in column 2 of the Schedule.

3. **Appropriation.**—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March 1951.

SCHEDULE.

(*See* sections 2 and 3).

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
11	Ministry of Home Affairs ...	77,000	...	77,000
13	Ministry of Law ...	15,53,000	...	15,53,000
15	Ministry of Agriculture ...	75,000	...	75,000
17	Ministry of External Affairs ...	2,61,000	...	2,61,000
19	Ministry of Commerce ...	3,66,000	...	3,66,000
20	Ministry of Labour ...	1,26,000	...	1,26,000
24	Ministry of Food ...	1,000	...	1,000
29	Payments to other Governments, Departments, etc., on account of the administration of Agency Subjects and Management of Treasuries.	17,000	...	17,000
35	Lighthouses and Lightships ...	56,000	...	56,000

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
37	Tribal Area ...	24,07,000	...	24,07,000
38	External Affairs ...	16,09,000	...	16,09,000
39	Survey of India ...	1,000	...	1,000
48	Education ...	1,80,000	...	1,80,000
51	Agriculture ...	1,000	...	1,000
53	Industries and Supplies ...	1,000	...	1,000
62	Joint-Stock Companies ...	67,000	...	67,000
63	Indian Dairy Department ...	26,000	...	26,000
64	Miscellaneous Departments ..	24,06,000	...	24,06,000
70	Territorial and Political Pensions ...	1,48,000	..	1,48,000
71	Superannuation Allowances and Pensions.	14,67,000	...	14,67,000
72	Stationery and Printing ...	43,17,000	...	43,17,000
73	Miscellaneous ...	14,62,23,000	...	14,62,23,000
74	Expenditure on Displaced Persons ...	26,51,000	...	26,51,000
79	Grants-in-aid to States ...	30,71,000	...	30,71,000
80A	Extraordinary payments ...	10,00,000	...	10,00,000
81	Resettlement and Development ...	23,08,000	...	23,08,000
83	Pre-partition payments ...	2,63,25,000	75,000	2,64,00,000
85	Ajmer ...	6,18,000	...	6,18,000
87	Himachal Pradesh ...	3,91,000	...	3,91,000
88	Bilaspur ...	56,000	...	56,000
89	Bhopal ...	13,93,000	...	13,93,000
89A	Vindhya Pradesh ...	2,10,000	...	2,10,000
91	Tripura ...	11,50,000	...	11,50,000
93	Relations with States ...	1,09,000	...	1,09,000
	Staff, Household and Allowances of the President.	...	7,000	7,000
95	Capital Outlay on the India Security Press.	3,50,000	...	3,50,000
98	Capital Outlay on Industrial Development.	10,59,000	...	10,59,000
104	Capital Outlay on Civil Works ...	2,63,98,000	...	2,63,98,000
105	Commuted value of Pensions ...	38,00,000	...	38,00,000
106	Payments to Retrenched Personnel...	4,57,000	...	4,57,000
108	Capital Outlay on Schemes of State Trading.	1,000	...	1,000
110	Interest-free and Interest-bearing Advances.	...	8,00,00,000	8,00,00,000
	Repayment of Debt ...	...	1,89,91,000	1,89,91,000
	GRAND TOTAL ...	23,27,32,000	9,90,73,000	33,18,05,000

K. V. K. SUNDARAM,
Secretary.

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PART IV

Section 1-C.

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 3132—Legis. 6-50-76, dated Bangalore, 23rd January 1951.

Ordered that the accompanying Notification No. S.R.O. 1107 ated 26th December 1950 of the Ministry of Home Affairs amening the Registration of Foreigners (Exemption) Order, 1949, published 1 the *Gazette of India*, Part II, Section 3, dated the 30th December 950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF HOME AFFAIRS

New Delhi, the 26th December, 1950.

S.R.O. 1107.—In exercise of the powers conferred by section 6 of the Registraon of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to rect that the following further amendment shall be made in the Registration of oreigners (Exemption) Order, 1949, namely:—

In clause (i) of paragraph 3 of the said Order,—

after the words "any person of Asiatic birth", the words "other than a Tibetan subject" shall be inserted.

[No. 6—40—(I)—50—F.I (A)]

NOTIFICATION.

No. L. D. 3133—Legis. 6-50-77, dated Bangalore, 23rd January 1951.

Ordered that the accompanying Notification No. S.R.O. 1108 ated the 26th December 1950 of the Ministry of Home Affairs under he Foreigners Act, 1946, published in the *Gazette of India*, Part II,

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Section 3, dated the 30th December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Mahara

N. R. JAYA, RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

S.R.O. 1108.—In exercise of the powers conferred by section 3 of the Foreigners Act, 1946 (XXXI of 1946) and section 3 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to direct that any foreigner of Tibetan nationality, who enters India hereafter, shall—

(*a*) at the time of his entry into India obtain from the Officer-in-Charge of the Police post at the Indo-Tibetan frontier, a permit in the form specified in the annexed schedule;

(*b*) comply with such instructions as may be prescribed in the said permit; and

(*c*) get himself registered as a foreigner and obtain a certificate of registration.

SCHEDULE

PERMIT

Serial No.*

Mr....., son of..... a foreigner of Tibetan nationality whose description* is given below having arrived in India from Tibet *via*.....is hereby permitted to stay in India for a period of.....months from the date hereof and to travel to the places** mentioned below. If he/she does not leave India before.....he/she will, unless he/she has obtained the permission of the Central Government to remain for a longer period, be liable to prosecution for a contravention of the provisions of the Foreigners Act, 1946, punishable with imprisonment for a period of five years and with fine and will also be liable to expulsion from India. Application for an extension of this permit should be made at least fifteen days before..... and must be addressed to the Central Government through the State Government.

2. This permit must be produced on demand of any Registration Officer, Magistrate or Police Officer not below the rank of head constable.

3. This permit must be surrendered to the Officer-in-Charge of the Police post at the place of departure from India.

4. The contents of this permit have been explained to the holder thereof.

(Seal)

*1. Description of holder
(a) Age
(b) Sex
(c) Height
(d) Colour of eyes
(e) Occupation

Signature of issuing authority.

**2. Places permitted to visit (*vide* para. 2).

[No. 6—40-(I)—50-F.I(B)]

FATEH SINGH, Dy. Secy.

NOTIFICATION.

No. L. D. 3134—Legis. 4-50-7, dated Bangalore, 23rd January 1951.

Ordered that the accompanying Notification No. S.R.O. 1115, dated the 30th December 1950, of the Ministry of Finance—Central Board of Revenue—amending the Indian Income-tax Rules, 1922, published in the *Gazette of India*, Part II, Section 3, dated the 30th December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 30th December, 1950

S.R.O. 1115.—In exercise of the powers conferred by Sub-section (1) of section 59 of the India Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that the following further amendments shall be made in the Indian Income-tax Rules, 1922, the same having been previously published as required by sub-section (4) of the said section, namely :—

In rule 36 A of the said Rules—

1. In the form of Application for Refund of Income-tax/Super-tax set out in sub-rule (a)—

(i) in the declaration, *for* the words, brackets and figures "a British subject (see note 2)—subject of.....State, being a State in India or Burma (see note 3)" the words brackets and figures "a citizen of India/British subject (see notes 2 and 3)" shall be *substituted*;

(ii) for Notes 1 and 3, the following Notes shall respectively be substituted, namely:

"NOTE 1.—The above declaration shall be sworn (*a*) before a Justice of Peace, a Notary Public or Commissioner of Oaths, if the applicant for refund resides in any part of the Commonwealth outside India (*b*) before a British Consul if he resides elsewhere." and

"NOTE 3.—If the applicant is neither a citizen of India nor a British subject he should delete the first sentence in the above verification."

2. In the form of Application for Refund of Income-tax/Super-tax set out in sub-rule (*b*)—

(i) in the declaration, *for* the words, brackets and figures "a British subject (see Note 1)/subject of.....State, being a State in India or Burma (see note 2)" the words, brackets and figures "a citizen of India/British subject (see notes 1 and 2)" shall be *substituted*;

(ii) for Note 2, the following Note shall be substituted, namely :—

"NOTE 2.—If the applicant is neither a citizen of India nor a British subject he should delete the first sentence in the above verification."

[No. 150.]

PYARE LAL, Scey.

NOTIFICATION.

No. L. D. 3135—Legis. 4-50-98, dated Bangalore, 23rd January 1951.

Ordered that the accompanying Notification No. S.R.O. 1123 dated the 18th December 1950 of the Ministry of Railways amending the Railway Accidents (Compensation) Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 30th December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department

MINISTRY OF RAILWAYS

(Railway Board)

New Dehli, the 18th December, 1950

S.R.O. 1123.—In exercise of the powers conferred by Section 82-J of the Indian Railways Act, 1890 (IX of 1890), the Central Government is pleased to direct that

the following amendment shall be made in the Railway Accidents (Compensation) Rules, 1950, namely :—

For the explanation to Rule 3 of the said rules the following explanation shall be substituted, namely :—

"*Explanation.*—In this rule and the next succeeding rule, the expression "District Judge" includes a Joint Judge, an Additional District Judge and in the State of Bombay a Civil Judge (Senoir Division) and the expression "District Magistrate" includes a Deputy Commissioner, a Chief Presidency Magistrate an Additional Chief Presidency Magistrate, an Additional District Magistrate and in the State of Assam Political Officer in that State."

[No. 893-TG.]

S. S. RAMASUBBAN, Secy.

NOTIFICATION.

No. L.D. 3346—Legis. 6-50-83, dated Bangalore, 9th March 1951.

Ordered that the accompanying Notifications No. S.R.O. 164, 165, 166, 167 and 168, dated the 1st February 1951 of the Ministry of Commerce and Industry, under the Supply and Prices of Goods Act, 1951, published in the *Gazette of India* Part II, Section 3, dated the 1st February 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

New Delhi, the 1st February 1951.

S.R.O. 164.—In exercise of the powers conferred by section 3 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that the said Act shall apply to sulphur.

ORDER.

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of

the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India: all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

[No. PC-18 (1)/51.]

S.R.O. 165.—In exercise of the powers conferred by sub-section (3) of section 6 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that the said section shall apply to sulphur.

ORDER.

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

[No. PC-18 (1)/51.]

S.R.O. 166.—In pursuance of section 7 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby appoints the Secretary to the Government of India, Ministry of Commerce and Industry, New Delhi, as the officer to whom the report regarding the possession of a quantity of any goods exceeding that permitted by or under the said Act, may be made.

ORDER.

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India; London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

[No. PC-18 (1)/51.]

S.R.O. 167.—In exercise of the powers conferred by sections 13 and 19 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), and all other powers enabling it in this behalf, the Central Government hereby directs that—

(*a*) no dealer who is carrying on the business of importing sulphur shall sell or otherwise dispose of sulphur except under a general or special authority in writing of the Secretary to the Government of India in the Ministry of Commerce and Industry or any officer authorised by him in writing in this behalf ;

(*b*) every dealer in sulphur shall declare in writing on or before the 10th February, 1951, to the Secretary, Ministry of Commerce and Industry, New Delhi, the stocks of sulphur held by such dealer on the 1st January, 1951, and shall, thereafter, before the 15th day of every month send to the said Secretary a statement of stocks of sulphur held by him at the end of the preceding month. A copy of such statement shall be sent by the dealer to the Government of the State in which he is carrying on business or to any officer authorised by the State in this behalf.

ORDER.

ORDERED that a copy of the above notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir) ; all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners ; all Indian Embassies ; the High Commissioner for India, London; His Majesty's Trade Commissioner in India ; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta ; the High Commissioner for India in Pakistan, Karachi ; the High Commissioner for Pakistan in India, New Delhi ; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

[No. PC-18 (1)/51.]

S.R.O. 168.—In exercise of the powers conferred by section 26 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby makes the following rules, namely :—

1. **Short title.**—These rules may be called the Sulphur Stocks (Regulation) Rules, 1951.

2. **Quantity of sulphur which may be possessed.**—No person, other than a dealer or a producer, shall have in his possession at any one time a greater quantity of sulphur than the quantity necessary for the reasonable needs of himself for a period of one month, unless he has reported the fact of such possession to the Secretary to the Government of India in the Ministry of Commerce and Industry, New Delhi.

3. **Presumption about excess quantity.**—Where a person other than a dealer or a producer, possesses a quantity of sulphur exceeding half a ton, it shall be presumed that he possesses a quantity of sulphur exceeding the reasonable needs of such person.

ORDER.

ORDERED that a copy of the above notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir) ; all Chief Commissioners of Part C States including Andaman and Nicobar Islands ; all Ministries of

the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India.*

[No. PC-18 (1)/51.]

S. BHOOTHALINGAM, *Joint Secy.*

NOTIFICATION.

No. C. 370—Co. 10-51-2, Bangalore, dated 2nd June 1951.

Ordered that the accompanying notifications of the Central Government and the Textile Commissioner, Bombay, issued under the Cotton Textiles (Transmission by Post) Prohibition Order, 1951, be re-published in the *Mysore Gazette* for the information of general public:—

1. No. S.R.O. 755, dated 19th May 1951.
2. No. S.R.O. 756, do
3. No. S.R.O. 757, do
and 4. No. S.R.O. 758, do

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agricultural Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

OFFICE OF THE TEXTILE COMMISSIONER,
WITTET ROAD, BALLARD ESTATE.

No. TCS IV/TP/14 (Main)/51B *Bombay No. 1, dated 23rd May 1951.*

The Members of the Textile Advisory Committee.
All Millowners' Associations and Piece-Goods Merchants' Association, etc.
All State Governments.
All Regional Commissioners under the Ministry of States.
All Post Masters-General.

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Subject :—Cotton Textiles (Transmission by Post) Prohibition Order, 1951.

Copies of the Central Government's Notification No. S.R.O. 755, dated 19th May 1951 and the Textile Commissioner's Notifications Nos. S.R.O. 756, 757 and 758, all dated the 19th May 1951, are forwarded herewith for information.

The first notification promulgated the Cotton Textiles (Transmission by Post) Prohibition Order, 1951 which prohibits transmission by post of cloth, yarn apparel or hosiery, except in accordance with the General Permission notified thereunder or a Special Permission issued under clause 3 of the said order.

The General Permission notified under the said Order permits transmission of inland postal articles containing cloth, yarn, apparel or hosiery by post in the following cases, namely :—

(1) Paragraph 1 of the General Permission provides for exemption in the case of inland postal articles when despatched to or by the officers designated therein.

(2) Paragraph 2 permits free transmission of cloth, yarn, apparel or hosiery by post between two places in the same State.

(3) Paragraph 3 enumerates certain items and inland postal articles containing these items do not require special permissions under clause 3 of the said order.

The two other notifications empower the officers named or designated therein to issue Special Permissions for despatching cloth, yarn, apparel or hosiery by post.

The notifications were published in the *Gazette of India* Extraordinary dated 19th May 1951. The State Governments may re-publish the Cotton Textiles (Transmission by Post) Prohibition Order, 1951 and all notifications issued thereunder in their *official Gazette*, for information of the public.

Yours faithfully,
M. R. KAZIMI,
Textile Commissioner.

Copy forwarded for information to :—

1. The Secretary to the Government of India, Ministry of Commerce and Industry, New Delhi.
2. The Secretary to the Government of India, Ministry of Communication, New Delhi.
3. The Director-General of Post and Telegraphs, New Delhi.
4. The Secretary to the Government of India, Ministry of States, New Delhi.
5. The Director (Enforcement), Ministry of Commerce and Industry, New Delhi (250 copies).

V. M. SRIKUMARAN,
Assistant Director.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 19th May 1951.

S.R.O. 755. In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to make the following Order, namely :—

1. (i) This Order may be called the Cotton Textiles (Transmission by Post) Prohibition Order, 1951.

(ii) It extends to the whole of India except the State of Jammu and Kashmir.

(iii) It shall come into force at once.

2. In this Order unless the context requires otherwise .—

(*a*) "cloth", "yarn" and "Textile Commissioner" have the same meaning as they have in the Cotton Textiles (Control) Order, 1948.

(*b*) "apparel" and "hosiery" have the same meaning as they have in the Cotton Textiles (Control of Movement) Order, 1948.

(*c*) "inland postal article" has the same meaning as it has in the Indian Post Office Act, 1898.

3. No person shall deliver or cause to be delivered any inland postal article containing, otherwise than as outside covering, any cloth, yarn, apparel, or hosiery for transmission by post from any place in India other than the State of Jammu and Kashmir to any other place in India except under and in accordance with—

(i) a general permission notified in the *Gazette of India* by the Textile Commissioner; or

(ii) a special permission issued by the Textile Commissioner.

4. Any Officer in charge of a Post Office may detain, open and examine any inland postal article in course of transmission by post which he reasonably suspects to contain otherwise than as outside covering any cloth, yarn, apparel or hosiery.

5. Where a postal article detained and examined under clause 4 is found to have been delivered or caused to be delivered in contravention of clause 3, the Officer examining it shall send it through the Post Office of despatch to the District Magistrate of the District in which the Post Office is situated or if such Post Office is situated in Greater Bombay, Calcutta or Madras to the Commissioner of Police together with any information regarding the sender of the postal article that may be available.

6. The District Magistrate of any District or the Commissioners of Police in Greater Bombay, Calcutta or Madras or any other officer authorised by him on that behalf may with a view to securing compliance with the provisions of this Order—

(*a*) require any person to give information in his possession with respect to any inland postal article containing otherwise than as outside covering any cloth, yarn, apparel or hosiery;

(*b*) inspect or cause to be inspected any book or document belonging to or in the custody of any person;

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(c) enter and search or authorise any person to enter and search any premises and seize any cloth, yarn, apparel or hosiery in respect of which he has reasonable cause to suspect that a contravention of this Order has been committed.

7. The Textile Commissioner may prescribe the manner in which any application for a special permission under this Order shall be made.

S. K. DATTA,

Deputy Secretary to the Government of India.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

GENERAL PERMISSION.

New Delhi, the 19th May, 1951.

S.R.O. 756. In pursuance of sub-clause (i) of clause 3 of the Cotton Textiles (Transmission by Post) Prohibition Order, 1951, I hereby notify for public information the following General Permission :—

1. Any person may deliver or cause to be delivered any inland postal article containing cloth, yarn, apparel or hosiery for transmission by post provided that such article is despatched by or to :—

(a) The Textile Commissioner, Bombay or the following Officers subordinate to him ; namely—

(i) The Director of Production (Headquarters), Bombay.

(ii) The Regional Directors of Production, Ahmedabad and Indore.

(iii) The Regional Deputy Directors of Production, Bombay, Kanpur, Calcutta and Coimbatore.

(b) The Chief Superintendent, Development, Cotton Textiles Bombay and the Officers subordinate to him.

(c) The Directors of Inspection, Bombay, Madras and Calcutta and officers subordinate to them.

(d) The General Headquarters, New Delhi.

(e) The Chief Inspector of Stores and Clothing, Kanpur.

(f) The Secretary, Indian Tariff Board, Contractor Building, Ballard Estate, Bombay.

(g) The Director of Enforcement, Ministry of Commerce and Industry, New Delhi, and the Officers subordinate to him.

2. Any person may deliver or cause to be delivered any inland postal article containing cloth, yarn, apparel or hosiery for transmission by post from any Post Office in any State to any other Post Office within the same State.

3. Any person may deliver or cause to be delivered any inland postal article containing any of the items described below for transmission by post provided that the sender thereof has made a declaration on the outer covering to the effect that the article contains any of those items ; namely :—

(i) jari goods which means and includes cloth which has been interwoven with gold or silver thread real or imitation and containing not less than 60 per cent of such gold or silver thread by weight.

(*ii*) samples of cloth of full width from selvedge to selvedge but not exceeding one yard in the opposite direction.

(*iii*) samples of yarn or hosiery in packages not exceeding half a pound in gross weight.

(*iv*) badges and labels made from cloth.

(*v*) lace.

(*vi*) shoe lace.

(*vii*) cotton string.

(*viii*) cotton twine.

(*ix*) sewing thread (finished) and embroidery thread (finished) on spools or reels or in the form of balls, tubes and skeins.

(*x*) bidi binding thread balls.

(*xi*) thread for use as sacred thread.

M. R. KAZIMI,
Textile Commissioner.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 19th May, 1951.

S. R. O. 757. In pursuance of sub-clause (*a*) of clause 2 of the Cotton Textiles (Transmission by Post) Prohibition Order, 1951, I hereby authorise each of the Officers specified in column (2) of the table below to exercise on my behalf the power to issue Special Permission under clause 3 authorising transmission of cloth, yarn, apparel or hosiery from the area specified against his name in column 3 of that table :—

TABLE.

Sl. No.	*Officers.*	*Area.*
1.	Shri A.S.E. Iyer, Director, Office of the Textile Commissioner, Bombay	Whole of India
2.	Shri A. D. Balasundaram Mudaliar, Director, Office of the Textile Commissioner, Bombay	Do
3.	Shri M. R. Row, Deputy Director, Office of the Textile Commissioner, Bombay	Do

M. R. KAZIMI,
Textile Commissioner.

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GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 19th May, 1951.

S. R. O. 758. In pursuance of sub-clause (*a*) of clause 2 of the Cotton Textiles (Transmission by Post) Prohibition Order, 1951, I hereby authorise the Principal Officer appointed for the Textile Control by each State or an Officer authorised by such Principal Officer in this respect to exercise on my behalf the power to issue Special Permissions under sub-clause (ii) of clause 3 of the said Order.

M. R. KAZIMI,
Textile Commissioner.

NOTIFICATION.

No. C. 387--Co. 4-51-4, dated Bangalore, 2nd June 1951.

Ordered that the accompanying Notification No. S.R.O. 609, dated 27th April 1951 issued by the Government of India, Ministry of Commerce and Industry under the Cotton Textiles (Control) Order 1948, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,
N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA

MINISTRY OF COMMERCE AND INDUSTRY.

No. TCS. I/12/21.

OFFICE OF THE TEXTILE COMMISSIONER,
WITTET ROAD, BALLARD ESTATE,
Bombay No. 1, dated 16th May 1951.

To—All Manufacturers.

Subject : Cotton Textiles (Control) Order, 1948.

Sirs,

A copy of the Central Government's Notification No. S.R.O. 609, dated 27th April 1951 which was published in the *Gazette of India, Extraordinary* of 27th April 1951 is enclosed as annexure.

2. This notification amends clauses 12, 20-A, 21 and 28 of the Cotton Textiles (Control) Order, 1948.

3. *Clause* 12(1) (b).—Under sub-clause (1)(b) of clause 12 of the above order, it was formerly provided that a producer who has a spinning plant should, in any quarter sell a quantity of yarn, not less than one-fourth of the quantity of yarn sold by him in the year 1944. This sub-clause has now been amended and it is now provided that every producer with a spinning plant should, in any quarter sell a quantity of yarn, not less than one-eighth of the total quantity of yarn sold by him in the years 1949 and 1950 taken together.

4. *Clause* 20A(ii).—It has been provided in the attached notification that a producer with a spinning plant should not utilise any yarn except for the weaving of "cloth". as defined in clause 3 of the Cotton Textiles (Control) Order, 1948. The effect of this amendment is that without a special permission from the Textile Commissioner, no mill is allowed to manufacture items such as hosiery, ropes, etc.

5. *Clause* 21(3)(b) *and* (c).—The attached amendment to sub-clause (3) of clause 21 makes it obligatory for a producer of yarn who has no weaving plant to pack a quantity of yarn not less than 80 per cent of the total quantity of yarn produced by him during the preceding month or one-sixteenth of the total quantity of yarn packed by him during the year 1948, whichever quantity is lower. It is further provided that a producer with a spinning and weaving plant should pack during every month a quantity of yarn not less than 80 per cent of the average quantity of yarn packed by him per month during the years 1949 and 1950 taken together. The expression "Yarn Produced" has also been defined.

6. *Clause* 28.—It was formerly provided in paragraphs (i) and (iii) of sub-clause (b) of Clause 28 of the above Order that a purely spinning mill could hold a quantity of yarn not exceeding its two preceding months' production in loose condition and a composite mill could hold the sum total of the quantity of yarn resonably required by it for the production of cloth during the next two months and the quantity equal to the yarn produced by it during the preceding two months over and above its requirements during that period. By the amendment to clause 28 in the annexed notification, it has now been prescribed that the quantity of yarn in loose condition that may be held by a spinning mill should not exceed the previous *one month's production*, while in the case of a composite mill, the quantity of yarn in loose condition should not exceed the sum total of the quantity of yarn reasonably required by it for the production of cloth during the next two months and the quantity equal to the yarn produced by it during the *preceding month* over and above its requirements during that period.

7. Manufacturers are requested to carefully note the above for compliance.

Yours faithfully,

M. R. KAZIMI,

Textile Commissioner.

Copy to.—

1. All State Governments and Textile Controllers.
2. Secretary to the Government of India, Ministry of Commerce and Industry, New Delhi.
3. Secretary to the Government of India, Ministry of States, New Delhi.
4. Sri S. A. Teckchandani, M.A., Under Secretary to the Government of India, Ministry of Commerce and Industry, New Delhi.
5. Under Secretary to the Government of India, Ministry of Finance Bombay.

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6. Director of Enforcement (Textiles), Ministry of Commerce and Industry, New Delhi.
7. The Deputy Director of Enforcement, Ballard Estate, Bombay.
8. All Members of the Textile Advisory Committee.
9. All Millowners' Associations, Upper India Chamber of Commerce, Kanpur, The Federation of Gujrat Mills and Industries, Baroda.
10. All Officers and Sections of the Textile Commissioner's Office.
11. All Branch Offices of the Textile Commissioner.
12. Indian Merchants Chamber, Bombay.
13. All Millowners' Associations.
14. All Chambers of Commerce.

R. VISWANATHAN,
Assistant Director (Control).

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION

New Delhi, the 27th April 1951.

S.R.O. 609.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following further amendments shall be made in the Cotton Textiles (Control) Order, 1948, namely :—

In the said Order—

(1) in sub-clause (1) of clause 12 for item (b) the following shall be substituted, namely :—

"(*b*) sell a quantity of yarn less than one-eighth of the total quantity of yarn sold by him in the years 1949 and 1950 taken together;"

(2) Clause 20-A shall be renumbered as sub-clause (i) thereof and after the clause is so renumbered the following sub-clause shall be inserted, namely :—

"(ii) Without prejudice to the provisions of sub-clause (1)(b) of clause 12 no producer having a spinning plant shall utilise any yarn except for the purpose of weaving of cloth."

(3) in sub-clause (3) of clause 21 :—

(*a*) the existing paragraph (*b*) shall be renumbered as paragraph (*d*) and the following shall be inserted as paragraphs (*b*) and (*c*), respectively, namely :—

"(*b*) No producer of yarn who has no weaving plant shall pack during any month a quantity of yarn less than—

(i) Eighty per cent of the total quantity of yarn produced by him during the preceding month, or

(ii) One-sixteenth of the total quantity of yarn packed by him during the year 1948, whichever is lower;

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(*c*) No producer having both a spinning and a weaving plant shall pack during any month a quantity of yarn less than 80 per cent of the average quantity of yarn packed by him per month during the two years 1949 and 1950 taken together."

(*b*) in the Explanation, items (ii) and (iii) shall be renumbered as (iii) and (iv) respectively, and the following shall be inserted as item (ii), namely :—

"(ii) 'yarn produced' in any month means the total quantity of yarn actually spun, that is, as obtained at the spindle point during that month".

(4) In paragraphs (*b*) (i) and (*b*) (iii) respectively of clause (1) of clause 28 for the words "during the preceding two months" wherever they occur the words "during the preceding month" shall be substituted.

(No. 9(4) -CT/51-4.)

S. A. TECKCHANDANI, *Under Secy.*

PART IV

Section 2-A

MYSORE BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. L.D. 523—L.A. 47-50-30, dated Bangalore, 31st May 1951.

In pursuance of Rule 110 of the Mysore Legislative Assembly Election Rules, His Highness the Maharaja of Mysore is pleased to direct the publication of the following Report of the Election Tribunal, referred to in Notification No. L.D. 491—L.A. 47-50-28, dated 28th May 1951.

BEFORE THE ELECTION TRIBUNAL, BANGALORE.

Dated the 16th day of April 1951.

PRESENT :

1. *Rajadharmaprasakta*, Sri S. Venkataranga Iyengar, B.A., L.L.M., Retired Judge, High Court of Mysore (*President*).

2. Sri K. C. Lingiah Gowder, M.A., LL.B., Principal District and Sessions Judge, Mysore Division, Mysore (*Member*).

3. Sri S. Kanakaratnaraj, B.A., B.L., Principal District and Sessions Judge, Bangalore Division, Bangalore (*Member*).

M. Krishnaswamy Pillai, son of Kariappa Pillay, aged 50 years, Proprietor, Shanmugam Weaving Factory, Srirampuram, Bangalore City ... ... *Petitioner.*

Vs.

V. S. Narayana Rao, Correspondent and Publisher, 6th Cross Road, Malleswaram, Bangalore City ... ... *Respondent.*

Petitioner by Sri V. Krishna Murthy.

Respondent by Sri S. K. Venkataranga Iyengar.

REPORT.

1. This election petition was filed by the petitioner, Sri M. Krishnaswamy Pillay under rule 94 of the Mysore Legislative Assembly Election Rules, calling in question the election of Sri V. S. Narayana Rao, the Respondent, as a member of the Mysore Legislative Assembly.

2. Consequent on the resignation of Sri K. Hanumantiah of his membership in the Mysore Legislative Assembly from the Bangalore City—General Constituency, the electors of that constituency were called upon, by a notification in the *Mysore Gazette*, dated 20th July 1950, to elect another person to fill the casual vacancy that had thus occurred in the Mysore Legislative Assembly. Besides the petitioner and the respondent, four other persons filed their nomination papers. On 7th August 1950, the date fixed for the scrutiny of the nomination papers, those of D. N. Krishniah Setty and M. Krishnaswamy Pillay were rejected and those of the other persons were accepted. We are not concerned in this case with the rejection of D. N. Krishnaiah Setty's nomination paper. The grounds on which the Returning Officer, who was the Commissioner of the Bangalore City Municipality, rejected the nomination paper of the petitioner were stated by him as follows in his order, Expt. B-3 :—

> "The nomination paper of the candidate is objected on the ground that the name of the proposer G. V. Ramachar, electoral number 8779 is not in the corrected additional electoral roll in the VII Division as noted in the nomination paper. Since the nomination paper is not properly proposed, the same is rejected."

Not being satisfied with that order, the petitioner approached the Government of Mysore with an application under Rule 44-A of the Mysore Legislative Assembly Election Rules for redress. The Government of Mysore appear to have felt a doubt as regards their powers to dispose of an application filed under that rule. They forwarded that petition to the Election Commission, India, with an observation that after the Provisional State Legislature (Casual Vacancies) Order, 1950, passed by the President of India on 20th May 1950, a petition under Rule 44-A will have to be heard and disposed of by an Election Tribunal constituted by the Election Commission, India. Thereupon, some correspondence seems to have ensued between the Election Commission, India, and the Government of Mysore with the result that the application under Rule 44-A was not disposed of on its merits. We are not concerned with that aspect of the case as it is not very material for the purposes of disposal of this petition as will be shown presently while dealing with issue

number 2. A petition stated to have been filed by the petitioner before the High Court of Mysore, for a writ for the stay of the election also proved infructuous. We are not concerned even with that aspect of the case. The election took place on 20th August 1950, the date fixed therefor and the respondent, who secured the largest number of votes, was declared duly elected on 25th August 1950. Thereupon the petitioner presented this election petition purporting to be under Rule 95 of the Mysore Legislative Assembly Election Rules, but which was really one under Rule 94, to the Government of Mysore. The Government forwarded that application to the Election Commission, India. The latter constituted this Election Tribunal for the trial of the petition and sent the petition to this Tribunal.

3. The ground on which the petitioner seeks to have the election of the respondent declared void is that the Returning Officer improperly rejected his nomination paper and it materially affected the result of the election.

4. The respondent, in his written statement, has contended that the order of the Returning Officer rejecting the petitioner's nomination paper was correct. He has also added that he would not admit the allegation in the petition that the identity of the proposer was beyond doubt. H has also raised several questions of law in support of his contention that this petition should be dismissed *in limine*.

5. The pleadings of the parties have given rise to the following issues:—

(1) Was there no valid nomination of the petitioner by reason of the fact that the proposer Sri G. V. Ramachar subscribed to two nomination papers, *viz.*, one of his own and the other that of the petitioner.

(2) Whether the petitioner, by reason of the fact that he preferred an application under Rule 44-A to the Government cannot seek redress by means of an election petition filed under Rule 94 of the Mysore Legislative Assembly Election Rules that the election of the respondent should be declared void on the ground of improper rejection of his nomination paper by the Returning Officer.

(3) Is the contention of the respondent that the petitioner can only canvas in an election petition, the result of the election on the ground of any irregularity at the stage of the election and not on the ground of any irregularity at the stage of the scrutiny of the nomination paper, tenable?

(4) Whether it is necessary or proper to implead the Returning Officer as a respondent in these proceedings and whether the omission to implead him as a respondent is fatal to this election petition.

(5) Whether there has been no valid presentation of this election petition to a validly constituted authority and within the time prescribed by the rules and whether therefore, the election petition is liable to be dismissed *in limine*.

(6) Whether there has been an improper rejection of the petitioner's nomination paper by the Returning Officer and whether the election of the respondent has or has not been materially affected by reason of such improper rejection.

(7) Whether Sri G. V. Ramachar who has subscribed to the nomination paper of the petitioner as proposer is the identical person as the individual whose name appears in the final voter's list as bearing serial number 8779.

Elaborate and able arguments were addressed by Counsel on both sides on issues 1 to 5 at first and we could not immediately proceed to record the findings on those preliminary issues, as certain papers that were wanted from the Government were not produced until after some witnesses for the petitioner had been examined. We therefore considered it proper to dispose of the issues of law as well as those of fact at one and the same time after the evidence was closed.

6. Issue number 5 is a very important one and its importance cannot be underestimated, because it is a fundamental principle in all election laws that an election cannot be called in question except by means of an election petition *presented to a properly constituted authority*. That principle has been embodied not only in Article 329 (b) of the Constitution of India but also in Rule 93 of the Mysore Legislative Assembly Election Rules, Article 329 (b) runs thus:

> "no election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature"

Rule 93 of the Mysore Legislative Assembly Election Rules runs thus:

> "no election shall be called in question except by an election petition presented in accordance with the provisions of *this* chapter."

The question involved in issue number 5 has received our best and anxious consideration, because it is bare of all precedents, inasmuch as we are told that this is the first occasion on which such a question has been raised before an Election

Tribunal after the commencement of the Constitution." Before we proceed to discuss and record our finding on that issue, we are faced with a short point of law, *viz.*, whether we have jurisdiction to entertain such a contention at all in view of the fact that the Election Commission, India, in the Notification constituting this tribunal has mentioned that the election petition filed by the petitioner under Rule 94 of the Mysore Legislative Assembly Election Rules was duly presented. That doubt about our jurisdiction arises by reason of three rulings of election courts in India. They are (1) the Salem and Coimbatore *cum* North Arcot Case, (Indian Election Cases by Khanna, Vol. 1), (2) The 24 Paraganas (Municipal South) Case, (Indian Election Cases by Khanna, Vol. I), and (3) The Bulandshar District West Case, (Indian Election Cases by Khanna, Vol. 2.) In the first of these three cases, it was observed—

> "His Excellency being satisfied that the prior requisites, which have to be complied with before a commission is appointed for the trial of the petition have been complied with, it is not open to this commission which is a statutory body, to be created by His Excellency only after His Excellency is satisfied of the previous requisites being complied with, to go into this question, and the said question has not been in any way reserved for trial by these Commissioners."

The same view was taken in the other two cases referred to above. We do not think that these cases can be of much help to us, in the absence of anything to show that there was any provision in the rules in force in the Provinces from which those cases arose, similar to Rule 102 (3) of the Mysore Legislative Assembly Election Rules, which runs thus :

> "Notwithstanding the provisions of Rule 98, the Commissioner may inquire into the compliance of the petition with the Provisions of Rule 94, Rule 95 or Rule 97.'

Even on general principles we think that the mere fact that the Election Commission, India, has formed an opinion that the petition was duly presented, cannot preclude the respondent from urging the contention involved in issue number 5, inasmuch as he was not heard before the Election Commission, India made that observation. However, in view of the provisions of Rule 102 (3) referred to above, we hold that we have jurisdiction to go into and decide issue number 5, independently of any observation that has been made by the Election Commission, India, as regards the due presentation of the election petition. We therefore now propose to deal with Issue number 5.

7. The Legislative Assembly in Mysore was, at the time the vacancy occurred, and has been even now functioning under Article 385 of the Constitution of India. The vacancy that

occurred in the Assembly and which had to be filled was a casual vacancy. It has been provided in Article 388 (2) of the Constitution appearing under the chapter "Temporary and Transitional Provisions" that in filling casual vacancies and dealing with questions arising in that connection including the decision of doubts and disputes the law that is applicable is the law that was in force in the State at the time the constitution commenced, subject to such modifications as the President may be pleased to order. The rules that were in force in Mysore at the time of the commencement of the Constitution were the Mysore Constituent Assembly Election Rules, 1948, framed in pursuance of the directions contained in the Proclamation of His Highness the Maharaja, dated 29th October 1947, as modified and adapted on 23rd January 1950 by means of a notification of the Government under Section 42 of the Government of Mysore Act. Those rules are called 'The Mysore Legislative Assembly Election Rules'. Later on, after 20th May 1950, the same rules were issued in a consolidated form embodying all the modifications and adaptations made in the Government Notification referred to above. We have carefully gone through the provisions of the Provisional State Legislatures (Casual Vacancies) Order, 1950, made by the President, in order to find out in what respects and to what extent the Mysore Legislative Assembly Election Rules were modified. They were modified only in the following respects :—

(1) While under Rule 99 it was the State Government that had to appoint the Election Commissioner for the trial of a petition filed under Rule 94 and that Commissioner should be a Judge of the High Court of Mysore, under paragraph 5(1) of the Casual Vacancies Order, it is the Election Commission, India, that should appoint a person or persons whether by name ordesignation to be an election tribunal for the decision of doubts and disputes arising out of or in connection with the filling up of a casual vacancy.

(5) The power which the State Government had under Rule 98 to dismiss an election petition for the non-compliance of the provisions of Rules 94, 95 or 97, its power to condone delay in filing an election petition and its power under Rule 104 to permit the withdrawal of an election petition, still remain with the State Government but subject to such power being exercised in consultation with and in accordance with the opinion of the Election Commission.

Paragraph 5 (3) of the said order contains only a rule of construction. In all other respects the Legislative Assembly Election Rules remain intact. As regards the powers to be exercised by the authorities, paragraph 6 says :

"except as provided in paragraph 5, and subject to the provisions of Article 324, all powers exercisable by

any authority under an election law immediately before the commencement of the Constitution shall, after such commencement, be exercisable by that authority."

On a careful perusal of these provisions we have no doubt whatever, that even after the commencement of the Constitution and the coming into force of the Casual Vacancies Order the authority to whom an election petition under Rule 94 of the rules has to be presented is the Government of Mysore.

8. Great emphasis was laid by the learned Counsel for the Respondent on the phrase 'subject to the provisions of Article 324' in paragraph 6 of the Provisional State Legislature (Casual Vacancies) Order, 1950, (hereinafter called by us as Casual Vacancies Order, 1950), and it was argued by him that under Article 324 of the Constitution all the powers that were vested in the Government before the commencement of the Constitution were transferred to the Election Commission, that the Election Commission, India, were given the power to conduct elections in the States also and that therefore after the Constitution it was the Election Commission, India, to which a petition under Rule 94 had to be presented. He urged that therefore the petition under Rule 94 of the Mysore Legislative Assembly Election Rules presented to the Government of Mysore was an invalid petition and even if that petition be ultimately forwarded to the Election Commission, India, it would not cure the initial defect and by the time the Election Commission perused such a petition, it was barred by time. We do not find anything in Article 324 to support such an argument although the learned Counsel for the Respondent fortified his argument by referring to the commentary of Basu on the Constitution. The learned commentator says as follows under Article 324:—

"This article provides for the creation of an independent body named the Election Commission which shall have the following exclusive powers :—

(*a*) The superintendence, direction and control of the preparation of the electoral rolls for all elections to Parliament and the Legislature of every State ; and of elections to the office of President and Vice-President :—

(*b*) Conduct of all the above elections ; and

(*c*) Appointment of Election Tribunals for the decisions of doubts and disputes arising out of or in connection with election to Parliament and to the Legislature."

He has also added—

"the entire electoral machinery of the Union as well as of the States is thus placed at the hands of a Centralised

body, the Election Commission, which alone would be entitled to issue directions to Returning Officers, Polling Officers and others engaged in the preparation and revision of electoral rolls so that no injustice may be done to any citizen of India by any local Government."

We have carefully gone through Article 324 of the Constitution and we are unable to accept the construction which the Respondent's learned Advocate wishes to place on it. We are of opinion that the opening clause in.....Article 324 'the superintendence, direction and control' governs not merely the clause 'the preparation of the electoral rolls for all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under this Constitution', but also the words 'the conduct of all elections to Parliament, etc., including the appointment of Election Tribunals for the decision of doubts arising out of or in connection with elections to Parliament and to the Legislatures of States.' We are unable to agree with the Respondent's learned Counsel that the phrase 'and the conduct of' between two commas is parenthetical and so it should be read as though it was an independent sentence beginning with 'the conduct of.' Our view is that it is elliptical and not parenthetical. We have therefore to read 'of' which appears after the words 'the superintendence, direction and control' after the comma and 'and' and before the words 'the conduct of' so as to read as follows when expanded:— 'the superintendence, direction and control of the preparation of the electoral rolls for, and of the conduct of..... .....' If that be done, it will be seen that the entire clause 'the superintendence, direction and control' would govern the words 'the conduct of' also. It was pointed out to us by the learned Counsel for the Respondent that if it is merely the power of superintendence, direction and control that the Election Commission has over the conduct of elections in the States, it would not be consistent with the expression 'including the appointment of Election Tribunals' in that article as an originating authority cannot also be a supervising authority. We do not know what will have to be done when a permanent vacancy occurs and how Article 324 will have to be construed then. Possibly, it may be that by special rules framed by Parliament under Article 327 or by the State Legislature by Article 328 the Appointment of Election Tribunals will have to be regulated. In that event the Election Commission will have the power of supervision, direction and control over such election tribunals. But it is unnecessary for us on this occasion to speculate what it will be after the general elections when permanent vacancies occur.

9. Even if for the sake of argument we agree with the Respondent's learned Counsel that the Election Commission,

India, under article 324 is vested with the power of the conduct of all elections to the legislature of every State, it would not help the Respondent's learned Counsel's argument that the power to entertain an election petition was taken away from the Government and vested in the Election Commission, India. We say so, because the conduct of all elections to the Legislature of this State would normally end with rule 85, *i.e.*, from chapter VI up to the close of chapter VIII. It is no doubt true that the expression 'conduct of all elections' is under article 324 stated to include the appointment of Election Tribunals for the decision of doubts and disputes arising out of or in connection with elections. That stage begins with rule 99 which is replaced by paragraph 5 of the Casual Vacancies Order. Between the end of chapter VIII and rule 99 there are a number of provisions to which the expression 'conduct of elections' would not apply even if that phrase is understood in the extended sense in which it has been used in article 324. For example there are provisions relating to forfeiture of deposits. There are also provisions relating to the deposit of security in the Mysore State Government Treasury. If the argument of the learned Counsel for the Respondent is taken to its logical conclusion, it would mean that the deposits will have to be forfeited to the Election Commission, India, and the deposits in the Treasury will have to be made in Delhi. Such was not surely the intention of the framers of article 324. Moreover, the phrase 'including the appointment of election tribunals for the decision of doubts and disputes' would lead to the implication that but for that special phrase of inclusion it would not ordinarily be included. It is by an artificial definition that it is so included. Such artificial definitions will have to be strictly construed. If we do that, all the provisions from rule 86 to rule 98 (both inclusive) subject to the modifications referred to in paragraph 7 *supra*, remain unaffected. As rule 94 which is one of the rules appearing in the gap between the close of rule 85 and the beginning of rule 99 is thus unaffected, there can be no doubt that as provided in that rule it is the Government of Mysore that still has the power to receive an election petition. The phrase 'subject to the provisions of article 324' in paragraph 6 of the Casual Vacancies Order, in our opinion, means, subject to the general supervision, direction and control provided for in that article and nothing more. On a careful consideration of the matter, we are of opinion that the power of the State Government to receive an application filed under rule 94 of the Mysore Legislative Assembly Election Rules is not taken away by the Casual Vacancies Order, 1950, but still rests with the State Government. That is also clear by implication from paragraph 5(2) of the Casual Vacancies Order, 1950. If it was the intention of the President that, that power is taken away, there is no meaning in the Government of Mysore being allowed to exercise the power of dismissal under rule 98

although it is circumscribed by the proviso that it should be in consultation with and subject to the opinion of the Election Commission, India. Moreover, if the State Government has not the power to receive an application under rule 94, how could it proceed to dismiss that application?

10. It was next urged that the Election Commission, India, has in this case requested the State Government to take steps to fill the casual vacancies in the Legislative Assembly and it was in pursuance of that request that the Government issued the notification in the Official Gazette of 20th July 1950 for holding this bye-election. On the strength of that, it is urged that the power to conduct elections in Mysore vests in the Election Commission, India. We do not really think so. Such a direction to fill casual vacancies could be given by the Election Commission in the exercise of its power of supervision, direction and control of the conduct of all elections to the Legislatures of States under article 324. We therefore hold that the presentation of the petition under rule 94 of the Mysore Legislative Assembly Election Rules to the Government was a valid presentation to a duly constituted authority, that was entitled under the rules to receive such a petition. The result of the election was duly notified in the *Mysore Gazette* of the 25th August 1950. The election petition has been filed on 5th September 1950 well within time. Therefore no question of the petition being barred by time arises.

11. It was lastly urged by the Respondent's learned Counsel that although it may be that the Government of Mysore had power to receive a petition under rule 94, the petition is invalid, inasmuch as it has not been addressed to the Election Commission, India which is the authority to pass final orders in the matter after this Tribunal's Report is received. Even that contention cannot be accepted. It is not for the petitioner to state which is the authority that could grant him the relief prayed for he wants the relief to be granted by the authority in which, under the law in force, the power rests. What he is concerned with is a valid presentation of his election petition. Supposing in this case he had omitted to state in the title portion of his petition "before the Government of Mysore" and had merely stated "an election petition filed under rule 94 of the Mysore Legislative Assembly Election Rules" would it have been possible to dismiss his election petition? Our answer to that question is emphatically in the negative, in the absence of any rule to that effect. The analogy of plaints to petitions filed under rule 94 is inapplicable, because it has been expressly provided in order VII, rule I(a) of the Code of Civil Procedure that the Plaint should state the name of the Court in which the suit is brought, while there is no similar provision in rule 95 which deals with the contents of

an election petition. For the above reasons our finding on the fifth issue is that there has been a valid presentation of this election petition to a validly constituted authority and within the time prescribed by the rules and that this election petition is not liable to be dismissed *in limine* as contended by the Respondent.

12. Now as to issue number 4. It is contended by the Respondent's learned Counsel that it is necessary and proper to implead the Returning Officer as a Respondent in these proceedings and that the omission to do so is fatal to this election petition. In English law, there are no doubt some cases which support the view that where an election petition alleges misconduct on the part of the Returning Officer, he is a necessary party to the proceedings. That is because of the special provisions contained in the statutes in England. There are no similar statutory provisions in India. It is urged on behalf of the Respondent that even though there may not be any such statutes, if there is an imputation of misconduct in the election petition against the Returning Officer, he is, even in India, a necessary party. The learned Counsel for the Respondent has drawn out attention to the allegation in the petition that the order of rejection made by the Returning Officer was arbitrary and illegal and urged that it would amount to legal misconduct necessitating his being made a party to these proceedings. We cannot agree with that argument. The word 'misconduct' as used in the English statutes appears to us to mean malice in fact and not malice in law. But we are not called upon to express any opinion on that point, because the Respondent's learned Counsel has not been able to cite before us any authority in which it has been decided in India that if there is an allegation of misconduct against the Returning Officer, he is a necessary party an election petition. On the other hand, we have been able to find a case in which serious charges had been made against the Returning Officer and it was held that inspite of it he was not a necessary party. The Ambala Division Case, reported in India Election Cases by Khanna, Vol. IV, page 22 is an authority in support of that position. The only provisions in the Mysore Legislative Assembly Election Rules regarding the joinder of respondents are to be found in rules 94 (1) and 96. According to rule 94 (1), where the petitioner merely prays for relief that the election of the returned candidate be declared void and does not pray that he should be declared elected, the only party to be impleaded as a respondent is the returned candidate. It is purely a matter between them. Relief is claimed only against him. If in addition to his claiming relief by way of a declaration that the election of the returned candidate is void he also claims that he should be declared elected, the other candidates would be necessary parties. That is provided for in rule 96. Neither rule 94 (1) nor rule 96 says that the Returning Officer

is under any circumstances a party to the proceeding. Even on general principles that would be the position, because although it is the Returning Officer's order that is the subject matter of attack in an election petition based on the ground of improper rejection of the nomination paper, the Returning Officer is not interested in the relief. Nor can it be said that his presence before the Tribunal is necessary for the adjudiction of the matter involved in the proceedings. He is in the analogous position of a judicial officer. If an appeal is preferred against the decision of a judicial officer, the Judge will not be made a party. The Returning Officer, in holding a summary enquiry and rejecting a nomination paper, acts as if he were a judicial officer, and his order is in the nature of a judicial order. We therefore hold on the fourth issue that the Returning Officer is neither a necessary nor a proper party to these proceedings. In the light of that finding, the latter part of that issue does not arise for consideration.

13. Issue number 3.— There does not seem to be any force in the contention urged on behalf of the Respondent that the petitioner can only canvass in an election petition, the result of the election on the ground of any irregularity at the stage of the election and not on the ground of any irregularity at the stage of the scrutiny of the nomination paper. Such an argument would be opposed to the express provision in rule 108 of the Mysore Legislative Assembly Election Rules under which relief can be granted to the petitioner, if in the opinion of the Election Tribunal, there was improper rejection of the nomination paper and it has materially affected the result of the election of the returned candidate. We are unable to accept the argument of the Respondent's learned Counsel that the expression 'any irregularity or corrupt practice' in rule 94 (1) should be read as ejusdem generis with "corrupt practice". In other words, what is urged is that the irregularity should be something akin to corrupt practice to attract the provisions of rule 94 (1). If that argument were sound the expression 'any irregularity' would have come after the words 'the corrupt practice' and not before. The scheme of the Act is also against such a construction because if the petitioner does not avail himself of the remedy provided in rule 44-A and if he is not allowed to file an election petition on the ground of improper rejection of his nomination paper, he would be without a remedy altogether. That was not the intention of the legislature. We therefore hold that the contention of the Respondent involved in issue number 3 is not tenable.

14. Coming next to issue number 2, *viz.*, whether the petitioner by reason of the fact that he preferred an application under rule 44-A to the Government cannot seek redress by means of this election petition on the ground of improper rejection of

his nomination paper by the Returning Officer, we have to say that there is nothing in rule 44-A to bar an election petition under rule 94. Wherever it is the intention of the framers of the rules that a provision in any rule operates as a bar to the remedy provided for in another rule it will be mentioned in the former rule that it is final. For example, see rule 27 (2) of the Mysore Legislative Assembly Election Rules in which the order made thereunder is final. Rule 44-A is a summary and wholesome remedy provided for in the statute for a petitioner, who is aggrieved by an order of improper rejection of his nomination paper by the Returning Officer. If the petition filed under Rule 44-A be disposed of in his favour a good deal of unnecessary litigation and cost would be saved and at the earliest stage the rot would be stemmed without the necessity of the petitioner filing a petition under rule 94. He has undoubtedly a dual remedy. Even if he files an application under rule 44-A and fails it is still open to him to file a petition under rule 94. Any order that may be made on a petition under rule 44-A would not bar as *resjudicata* the remedy open to him under rule 94, because the enquiry under rule 44-A is only summary, while the trial of an election petition should be in accordance with the provisions of the Code of Civil Procedure. Moreover, in this case we need not trouble ourselves with that aspect, inasmuch as no order on merits was passed on the application under rule 44-A. Our finding therefore on issue number 2 is that this petition is not barred by reason of the Petitioner having filed an application under rule 44-A.

15. There is not much substance in the contention of the respondent that has given rise to issue number 1. It is no doubt true that Shri G. V. Ramachar has subscribed to two nomination papers, *viz.*, one of his own and the other that of the petitioner. But he has done so in different capacities. It is provided in rule 37 that any person whose name is registered on the electoral roll of the constituency may subscribe as proposer or seconder as many nomination papers as there are vacancies to be filled but no more. That Sri G. V. Ramachar's name is found in the electoral roll of the Bangalore City general constituency cannot be doubted or disputed. He was therefore eligible under rule 37 to subscribe as proposer. But as there was only one vacancy to be filled, he could subscribe to only one nomination paper as proposer. That is what he has actually done. It is no doubt true that he has signed his own nomination paper. But he has subscribed that paper in his capacity as a candidate and not as proposer. The expression 'as proposer should be given its literal meaning as otherwise that expression would be regarded as superfluous. It is a well established rule of construction of statutes that the words used should be given their natural meaning and that no words should be disregarded as superfluous. That principle is not only followed in recognised works on rules of interpretation

but also in the Hindu system of interpretation as is enunciated by Jaimuni in his Meemamsa Sutres :—

शब्दाधिक्यात् अर्थाधिक्यम्

It was pressed on our attention by the learned Counsel for the Respondent that to allow a person when there is only one vacancy to subscribe as proposer to one nomination paper and as candidate to another nomination paper will be against all good morals. We are not concerned with the moral of the matter and we have to administer the law as it is and not as it ought to be. Our finding on issue number 1 is that the contention that there was no valid nomination of the petitioner by reason of the fact that Sri G. V. Ramachar subscribed to two nomination papers is untenable.

16. As regards issue number 7, we have to say that on the evidence we have no doubt whatever, that Shri G. V. Ramachar who has subscribed to the nomination paper of the petitioner as proposer is the identical person as the individual whose name appears in the electoral roll as bearing serial number 8779. When his nomination paper was scrutinised by the Returning Officer no candidate appears to have taken objection to the identity of G. V. Ramachar nor has the Returning Officer stated anywhere in his order that his identity was doubtful. Sri G. V. Ramachar is a well known Advocate practising in Bangalore City. P. W. 2, Sri N. Bheemacharya, another Advocate practising in Bangalore City has given evidence that he was present when Sri G. V. Ramachar affixed his signature to the nomination paper of the petitioner as proposer and has identified Sri G. V. Ramachar who was examined before the Court as P. W. 1 as the proposer of the petitioner. We see no reason to disbelive the evidence of P. W. 2 as it is he that has filled in all the columns in the petitioner's nomination paper, Exbt. B except the signatures. He has given evidence that Sri G. V. Ramachar is residing in 6th Road, Chamarajpet, Bangalore City. A reference to the electoral roll, Exbt. C-6 relating to Chamarajpet, Bangalore City, shows that his electoral number is 8,779 and that he is living with his father Vedanthi Krishnachar in the same house. The latter's number in the electoral roll is 8778 and the door number of the house is 26. Sri G. V. Ramachar is described as a person possessing the qualifications of a law graduate being a B.A., LL.B. In order to cast a doubt if possible, on the identity of G. V. Ramachar, the Respondent's learned Counsel has got elicited that there is another person by name U. R. Ramachar and points out that a confusion might have arisen in the minds of the Returning Officer about the identity of the proposer. The Returning Officer does not say so in his order. We are satisfied from the evidence

of P. W. I that U. R. Ramachar is a resident of Gandhinagar, Bangalore City, that he is a Hardware Merchant and that he is not B.A., LL.B. There could therefore be no room for any doubt as regards the proposer's identity. Our finding on the 7th issue is in the affirmative.

17. The last and the most important issue in the case that requires consideration is issue number 6. Rule 43 (1) provides that nomination paper may be rejected on any of the following grounds :—

(*a*) that the candidate is not qualified under the Rules ;
(*b*) that there has been any failure to comply with any of the provisions of rules 36 and 40 ;
(*c*) that the proposer or seconder is not registered in the electoral roll of the constituency ;
(*d*) that the signature of the candidate is not genuine or has been obtained by fraud.

Curiously enough, the Returning Officer does not state in his order Exbt. B-3 under which of these clauses (*a*) to (*d*) he has made the order of rejection. Clauses (*a*) and (*d*) do not apply, because it is not the contention of any one that the candidate is not qualified under the rules and that his signature is not genuine or has been obtained by fraud. Clause (*c*) does not apply, because Sri G. V. Ramachar is registered in the electoral roll of the constituency. In this connection it may be mentioned that the constituency is the whole of Bangalore City and his electoral roll number therein is 8779. They are undisputed facts and that would be enough to show that his nomination paper was not liable to be rejected under clause (*c*). We are only now left with clause (*b*) and we have to see whether there has been any failure to comply with any of the provisions of rules 36 and 40. There is no non-compliance with the provisions of rule 40 because the petitioner has deposited the required amount in a Government Treasury. Rule 36 provides that a nomination paper should be completed in the manner prescribed in Form I and subscribed by the candidate himself as assenting to the nomination and by two persons as proposer and seconder whose names are registered in the electrol roll of the constituency.—Even the requirements of that rule are satisfied because the nomination paper Exhibit B of the petitioner is completed in the manner prescribed in Form I and is subscribed by himself as assenting to his nomination paper and by G. V. Ramachar and N. Bheemachar as his proposer and seconder respectively and their names are registered in the electoral roll of the constituency. Curiously enough, the Returning Officer merely says in Exbt. B-3 that "since the nomination paper is not properly proposed, the same is rejected." It is very difficult to understand what he means by it. He has no doubt referred in that order to an objection taken by one of

the candidates that the name of the proposer G. V. Ramachar, electroral roll number 8779 is not in the corrected additional electroal roll in the 7th Division as noted in the nomination paper. Perhaps that objection seems to have found favour with the Returning Officer, although he does not say so. But there is not substance in that objection. Merely because his electoral roll number 8779 is not in the corrected list Exhibit D, addenda and corrigenda, in the 7th Division as noted in the nomination paper, that is no good ground for rejecting the nomination paper. The electoral roll means the original electroal together with the amendment made in the initials of G. V. Ramachar on his application for that purpose. They should be read together in order to find out if he has been properly proposed, as Exhibit D, is a mere correction of the initials and does not give all the other particulars. In the original electoral roll Exhibit C.-6, his number is given as 8779, name as V. K. Ramachar, residence as number 26, 6th Road, Chamarajpet and his qualifications as B.A., LL.B. All those particulars are correct, except the initials. He merely applied to the Municipal Commissioner to amend his nitials as G. V. The Returning Officer was summoned to produce that application to show what exactly the prayer of G. V. Ramachar was. Curiously, the Returning Officer has not produced it and it is said to be not forthcoming in the records of the Municipal Office. In the absence of its production, we have to accept the evidence of G. V. Ramachar that his application related to the amendment of his initials and nothing else. '6-A Division' under which the serial number 8779 is noted in Exhibit D, the amended list, appears to us to be a printer's devil. We do not know why it should have scared away the Returning Officer and made him reject the nomination paper on that ground. It was his duty, if he felt any doubt about the identity of the proposer, to have referred to the original electoral roll to satisfy himself; if he had only done that in a moment he could have discovered that division number 6-A referred to in Exhibit D was a printer's devil and that the entry against serial number 8779 even in the amended electoral roll related to Sri G. V. Ramachar and to none else. It is much to be regretted that the Returning Officer did not take even that little trouble when the rule contemplates that he may even hold a summary enquiry to satisfy himself about the identity and the eligibility of the proposer.

18. The next and the more important point for consideration, apart from the order of the Returning Officer, is whether Form No. 1 has been properly filled up by the petitioner in Exhibit B in accordance with the requirements of that form. Bangalore City Municipal area had then been sub-divided into nine divisions and some of the divisions had been sub-divided into A & B. We are told that these divisions were effected on territorial

and population basis. It must be for the purposes of Municipal administration and also for holding elections connected with the Municipality. It was necessary to do so, because in the case of a municipal election each constituency is not the whole of Bangalore City but is one of the several divisions in that City. Candidates stand for election from each of those divisions. It is necessary for the electorate in a case like that to know the serial number of the candidate in the particular division. But it is not so in the case of an election to the Legislative Assembly, where Bangalore City forms a single unit and a single constituency. The electorate of the whole of Bangalore City had to elect only one candidate. We think it was therefore right that different serial numbers were not given to each sub-division and that serial numbers were continuously given for the whole of the Bangalore City. The point now is whether, inspite of that, it was necessary for the proposer to state in Exhibit B the division in which he resided. He has no doubt stated the division as number 7. That is a correct description, because it is in evidence that Chamarajpet 6th road in which he is residing belongs to that division. The Returning Officer cannot expect him to make an incorrect statement in the nomination paper that he was residing in No. VI-A division although he was actually residing in number 7 division, merely because in Exhibit D, on account of some printer's mistake, serial number 8779 appears under 6-A division. If he had mentioned 6-A division in Exhibit B he would have been telling an untruth. The question now is whether it was necessary at all for G. V. Ramachar to mention any division in column 8 of the nomination paper. Before we proceed to consider that question we may as well consider the law as regards the directory and mandatory provisions in statutes, because if a mandatory provision is contravened it would invalidate the nomination paper but it would not be so in the case ot directory provision and in such cases what we have to see is whether that provision has been substantially complied with. Assuming that there is a discrepancy between what is stated in the nomination paper as regards the division and what is stated in Exhibit D, the discrepancy is so trival that no tribunal would take serious notice of it and the Returning Officer ought not to have attached undue importance to it. In this connection, we may refer to the observations of the learned Chief Justice in 51 Mysore High Court Reports 261 at page 264

> "The rules do not require that there should be literal or verbal correspondence between the entries in the nomination papers and the entries in the electoral roll. The question always is whether the candidate can be properly identified ?"

When we are on this topic it may also be useful to refer to the following observation of Lord Penzance in Howard Vs.

Boddington, (L. R. 2 Probate division 203 at 211) cited in Samastipur Case, Indian Election Cases by Khanna, Vol. IV and also in 21 Mysore Law Journal 370 at 375.

"No universal rule can be laid down for the construction of statute as to whether mandatory enactments shall be considered directory only or obligatory with an implied nullification for disobedience. It is the duty of the courts of Justice to try to get at the real intention of the ligislature by carefully attending to the whole scope of statute to be construed. You cannot go further than this that in each case you must look to the subject-matter and consider the importance of the provision that has been disregarded, and the relation of that provision to the general object iutended to be secured by the act and upon a review of the case in that aspect decide whether the matter is what is called imperative or only directory."

The object of the rule requiring that the number of the sub-division should be stated in the nomination paper is that in cases of doubt the identity of the candidate, proposer or seconder may be discovered. It follows therefore, that if there are sufficient particulars to enable any one reading the nomination paper to identify the proposer, candidate or the seconder, that would be enough and any discrepancy in stating the number of the sub-division in the nomination paper would not invalidate it. In this connection the following observations in Samastipur Case (Indian Election Cases by Khanna, Vol. 4) are note worthy :—

"Now the object of the provision evidently is that there can be no difficulty in tracing the name of identifying the person. If this object as well be achieved, even without strict adherence to the form, by the particulars given therein, it would be contrary to justice, equity and good conscience to invalidate the nomination paper and to deny the elector a fair and free opportunity of electing a candidate according to his preference. If the whole scope of the rules and regulations be taken into account, it cannot be the intention that a mere omission to describe the sub-division should be fatal to a nomination paper."

As already observed by us, there would be no difficulty in tracing who the proposer of the petitioner is by referring to the particulars given in the nomination paper, although it may be there is a slight discrepancy in the number of the sub-division between the original electoral roll and the amended list.

19. The footnote to column 8 in Form I runs thus :

"When the electoral roll is sub-divided and separate serial numbers are assigned to the electors entered in each sub-division a description of the sub-division in which the name of the proposer or seconder as the case may be is entered, must also be given."

It is not stated there as to what should happen if it is not given. Perhaps the implication is that if the footnote is attracted and if the sub-division in which the name of the proposer appears is not given, it would invalidate the nomination; but in order to attract that footnote two requisites are essential, *viz.*, (1) that the electoral roll is sub-divided and (2) that separate serial numbers are assigned to the electors entered in each sub-division. In this case the second requisite is absent, inasmuch as there is a continuous serial numbering for the whole of Bangalore City and no separate serial numbers are assigned to the several divisions or sub-divisions. Therefore, even if that footnote be regarded as a mandatory provision, it is inapplicable to the present case. It was urged by the learned Counsel for the Respondent that in the sentence "Where the electoral roll is sub-divided and separate serial numbers are assigned to the electors entered in each sub-division," the word 'or' should be substituted for 'and'. We find it difficult to do so. The word 'and' should receive its natural and literal meaning and in our opinion, we cannot read 'or' for 'and' in that clause. In this connection, we may refer to the following observations of the learned Chief Judge in 47 Mysore High Court Reports 97 when a similar argument was pressed and was repelled—

"Mr. Gopivallabha Iyengar for the Respondent has urged before us that "and" appearing in the words "age and date of birth" should be interpreted in this instance as if equivalent to "or", so that we should read those words as if they had run "age or date of birth."

There are instances in statutory provisions where it is necessary in order to give an intelligible and appropriate meaning to a collocation of words to interpret "and" as if it were equivalent to 'or'. But I do not think this is one of those instances. So far as I can see, there is no difficulty in giving the full meaning to the words "age and date of birth", reading them according to their literal meaning without having recourse to any technical form of interpretation so as to read them 'age or date of birth". And it is in the highest degree improbable in my opinion that, if the Government had intended to prescribe a form in which the candidate was to enter his age or his date of birth, they would have used the words 'age date of birth'."

Therefore it was unnecessary for the proposer to have mentioned in column 8 of Exbt. B any division or sub-division. The mentioning of it is a mere surplus age. If there was any discrepancy between it and what is contained in Exbt. D, the discrepancy in the surplus age ought to be ignored altogether. In this connection we may refer to rule III of the Mysore Legislative Assembly Election Rules—

> If a question arises for the decision of a Returning Officer or Presiding Officer under these rules whether an entry in an electoral roll relates to a particular person, the Returning Officer or Presiding Officer, as the case may be, may, for reasons to be recorded in writing, decide that the entry does or does not relate to the said person, notwithstanding any clerical or printing errors therein."

The Returning Officer in this case in making his order Exbt. B-3 has clearly overlooked the provisions of rule III. We therefore hold on the first part of the 6th issue that the nomination paper of the petitioner is valid and that there has been an improper rejection of the petitioner's nomination paper by the Returning Officer.

20. The next point on which elaborate arguments were addressed by the learned Counsel for the Respondent was as regards the latter part of that issue, *viz.*, whether the improper rejection of the nomination paper has materially affected the result of the respondent's election. Sri V. Krishna Murthy, learned Counsel for the petitioner, relies strongly on the proposition that an improper refusal or rejection of a nomination paper is such a grave and material irregularity that a presumption arises that it materially affected the result of the election and such a presumption would require the strongest proof for its rebuttal and it lies heavily on the Respondent to rebut such a presumption. There are several English and Indian cases in support of that proposition. We may just refer to some of them, *viz.*, Islington case, Rohtak Case, Agra District Case, Golaghat Case and Cawnpore District Case. Sometimes, a difference is drawn between the case of an improper rejection, a nomination paper and an improper acceptance of it. While in the former case it has been held, as already mentioned, in a number of cases that there is a strong presumption that the improper rejection has materially affected the result of the election and that the onus of rebutting that presumption lies, very heavily on the respondent, there is no such presumption in a case of an improper acceptance of a nomination paper and in that case the onus of proving that the improper acceptance has materially affected the result of the election lies very heavily on the petitioner. The reason

for that distinction is obvious. It has been summarised thus in the Law of Elections and Election Petitions by Jaganarain at P.403.—

> "A distinction has sometimes been sought to be drawn between the improper admission and improper rejection of a nomination paper. In the case of an improper rejection of a nomination paper, the electorate is deprived of a right to vote for the person whose nomination is improperly rejected. The case of an improper admission of a nomination paper seems to be different, as in such a case the electorate had an opportunity of voting for the candidate who were in the field".

He cites Belgaum Case, (Indian Election Petitions, Vol. 2, p. 31) in support of that statement. We entirely agree with the view taken about the existence of such a distinction. On the strength of rule 108 of the Mysore Legislative Assembly Election Rules, it was urged by the learned Counsel for the Respondent that, having regard to the language employed in that rule, the onus of proving, whether it be a case of improper rejection of a nomination paper or improper acceptance, that such improper acceptance or rejection has materially affected the result of the election always rests upon the petitioner and that all these decisions which hold the view that there is a presumption in the case of an improper rejection do not lay down good law. In other words, what he urges is that having regard to the language of rule 108 there is no scope for making any presumptions at all, inasmuch as before the relief is granted under that rule, the Tribunal must be satisfied that the result of the election is materially affected. We are unable to agree with him. There is nothing in the language of the rule 108 which excludes the raising of presumptions. According to that rule the conclusion has to be arrived at by the Tribunal from all the materials before it which may even include presumptions. The learned Counsel for the Respondent has not been able to place before us any case of an improper rejection of the nomination paper by the Returning Officer in which the presumption that it materially affects the result of the election has not been drawn. On the other hand, the cases cited by him are all cases of improper acceptance of the nomination paper. He cited the following observation of Baron Martin in Warrington case cited with approval in Bakargang North Case :—

> "I adhere to what Mr. Justice Willes said at Lichfield that a judge to upset an election ought to be satisfied beyond all doubt that the election was void and that the return of a member is a serious matter and not to be lightly set aside".

He further relied on one observation in that case that the petitioner must establish as a fact that the result was materially affected and not might have been affected. He also cited the following observations of Sir Asuthosh Mukharjee in I. L. R., 47 Calcutta :—

> "An election ought not to be held invalid by reason of the transgression of the law—when the court is satisfied that the result of the election, *i.e.*, the success of one candidate over the other could not have been affected by those transgressions".

With great respect we must say that those observations relied on by the Respondent's learned Counsel are perfectly correct having regard to the facts of those cases. None of those cases related to an improper rejection of a nomination paper. There is nothing in any of those cases to support the view that no presumption could be raised in the case of an improper rejection of the nomination paper that it has materially affected the result of the election.

21. We are therefore of opinion that there is a strong presumption in favour of the petitioner that it has materially affected the result of the election. We have now to see whether the respondent has led any evidence to rebut that presumption, No evidence has been adduced on behalf of the respondent except that of himself. There is nothing in his evidence to warrant us in holding that the presumption in favour of the Petitioner has been rebutted. An attempt has been made by getting elicited in the evidence of the Petitioner's witnesses some facts with a view to show that even if the petitioner's nomination paper had been accepted, he would have failed in the election. The first of those facts is that the petitioner stood as an independent candidate while the respondent stood on Congress ticket. It was urged that in these days of democracy a candidate standing on an independent ticket has no chance of winning as against a candidate standing on a party ticket. We are unable to accept that as a general proposition, because it all depends upon the influence with the electorate that is commanded by a candidate. Petitioner has given evidence that he had been a member of the Representative Assembly for four years from the small industries constituency, is a President of that Association for the last seven years, was a member of the Bangalore City Municipality elected each time from 1934 to 1947, that in the Representative Assembly Election in 1946 he stood as an independent candidate and defeated one Ganga Setty a Congress candidate and the latter forfeited security. These facts are enough to show that the petitioner is a fairly influential man. The next fact got elicited is that the petitioner was admittedly ill on the date of the election and that even if his nomination paper had not been rejected, he would have not been in a

position to go and canvass votes. We are unable to accept it because he might have been ill, but still he could have employed others to work for him. It was urged by the learned Counsel that the Petitioner has not sworn to that fact. The Respondent should have specifically questioned him on that point. The third fact is that the petitioner failed in the recent Corporation Elections. No adverse inference can be drawn against him by reason of that fact, because the two elections do not admit of much comparison, inasmuch as in the bye-election out of which this election petition has arisen the electorate was on the basis of a limited franchise, while in the recent elections it was on the basis of adult franchise and in the bye-election to the Legislative Assembly the constituency was the whole of Bangalore City, while in the Municipal Election it was a particular division in Bangalore City. The last point that was urged is that the petitioner had gone out of Mysore for a long time after he became ill in 1947. We do not know how that circumstance would affect his position unless there is something to show that he lost his popularity on account of his prolonged illness.

22. It is in evidence that the electorate for the bye-election out of which this petition has arisen consisted of 14,383 voters. Out of that number only 5,467 voted, which shows that 65 percent of the electorate did not exercise their right of franchise. It is not unlikely that if the Petitioner had stood for election, many of them would have voted for him and he would have been able to secure more votes than the Respondent. At any rate, there is no evidence on behalf of the Respondent to show that most of them would not have voted for the petitioner. It is also not unlikely that because the petitioner was not in the field as his nomination paper was rejected, some of the persons who would have voted for him voted for the Respondent when they had no choice. It is not known whom they would have preferred if it were a matter of choice between the petitioner and the respondent.

23. For the above reasons we hold on the latter part of the 6th issue that the election of the Respondent has been materially affected by the improper rejection of the petitioner's nomination paper by the Returning Officer. We therefore recommend that the election of the Respondent be declared void.

24. Coming next to the question of costs, what is urged on behalf of the Respondent is that it was not he that took objection to the nomination paper of the petitioner before the Returning Officer and he has sworn that he even requested the Returning Officer not to reject the nomination paper of the petitioner on a technical ground and therefore he, being an innocent party, should not be saddled with costs when the rejection of the petitioner's nomination paper was entirely due to the mistake of of the Ruturning Officer. Sri V. Krishna Murthy for the petitioner has urged that whatever might have been the attitude of

the Respondent before the Returning Officer he ought not to have contested this election petition and now that he has done so and the matter was fought out before this Tribunal seriously, this is a proper case in which the Respondent should be called upon to pay petitioner's costs of this petition. We are inclined to agree with the argument of the petitioner's learned Counsel. We recommend that the Respondent should be directed to pay the costs of the Petitioner, which we assess at Rs. 100.

This unanimous Report of the Tribunal was delivered by the President dictating it to the Steno-grapher in open Court.

S. VENKATA RANGA IYENGAR,
President.

K. C. LINGIAH GOWDER,
Member.

S. KANAKARATNARAJ,
Member.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

(HOME DEPARTMENT).

No. H.A. 2108—Pol. 90-51-3, dated Bangalore, 1st June 1951.

In exercise of the powers conferred by Section 8 of the Cinematograph Act, 1923, (Mysore Act XII of 1923), His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the Mysore Cinematograph Rules, 1946, namely:—

1. In Form A annexed to the said Rules condition 10 of the conditions of licence shall be omitted and condition 11 shall be renumbered as condition 10;

2. In Form B annexed to the said Rules condition 10 of the conditions of licence shall be omitted and conditions 11 and 12 shall be renumbered as conditions 10 and 11, respectively.

By Order of His Highness the Maharaja,

E. V. GANAPATI IYER,
Chief Secretary to Government.

No. C. 364—Co. 9-51-4, dated Bangalore, 1st June 1951.

In pursuance of clause 5 of the Cement Rationing and Licensing Order, 1948 and in supersession of Notification No. S.D. 1568—Co. 1-48-2, dated the 28th August 1948, His Highness the Maharaja is pleased to fix with effect from 1st June 1951, the prices of all brands of cement as noted below and to direct that notice of the price fixation shall be given by publication of the same in the Official Gazette and by issue of a Press Note:—

(1) For deliveries to stations in the Mysore State on the broad gauge up to and inclusive of Bangalore City and to all stations on the narrow gauge between Bangalore City and Bangarpet and for deliveries to the Civil Station, Bangalore.	Rs. 74-8-0 per ton loose in full waggon loads *f.o.r.* any railway station *plus* actual cost of packing, subject to a maximum of Rs. 28 per ton if supplies are made in new gunny bags or if supplies are made in paper bags or old gunny bags, such cost not exceeding Rs. 26 per ton, as may be mutually agreed upon by the producer and consumer.

(2) For deliveries to stations elsewhere in the Mysore State. — Rs. 76-12-0 per ton loose in full waggon loads *f.o.r.* any railway station *plus* actual cost of packing, subject to a maximum of Rs. 26 per ton, if supplies are made in new gunny bags or if supplies are made in paper bags or old gunny bags, such cost not exceeding Rs. 26 per ton as may be mutually agreed upon by the producer and the consumer.

(3) Retail prices shall not exceed the maximum *f.o.r.* any railway station prices by more than the amount it would be permissible for the seller to charge under the normal practice authorised heretofore by the Cement Marketing Company of India on such an *f.o.r.*, price. In charging such a price, the seller shall take into consideration the expenditure of items such as cost of unloading of waggon, cartage from station to godowns, stocking in godowns, godown rents, wastage and profit margin of the seller:

(4) Provided that waggon-load as well as retail prices mentioned above shall be for supplies ex-nearest works. In the case of sale of waggon-loads as well as retail sales, the sellers may, in addition to such prices, charge extra for proportionate freight difference, if supplies were actually made from a more distant works:

(5) Provided further that all such supplies into Mysore State from works other than the nearest works shall be made by the Cement Marketing Company of India on the specific authorisation of the Controller of Civil Supplies in Mysore ;

(6) Provided also that in case of all sales (waggon loads or smalls) the sellers shall be entitled to charge in addition to the aforesaid waggon-load and retail prices extra for general or special increase in freight after the date of this order for octroi, towns duty, terminal tax, sales tax or any other charge, levy or imposition payable, by the sellers.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,

Food and Agriculture Departments.

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(PUBLISHED BY AUTHORITY)

EXTRAORDINARY

BANGALORE, SATURDAY, JUNE 2, 1951.

PART IV.

Section 2-B.

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

No. L.D. 532—L. A. 2-50-4, dated Bangalore, 2nd June 1951.

In exercise of the powers conferred by clause (2) of Article 174 of the Constitution of India, I, Jaya Chamaraja Wadiyar, Maharaja of Mysore, do hereby prorogue the Session of the State Legislative Assembly at the conclusion of its business on Saturday the 2nd June, 1951.

JAYA CHAMARAJA WADIYAR,

Maharaja of Mysore.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

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PART IV

Section I-A

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. L.D. 498 –Legis. 3-51-6, dated Bangalore, 28th May 1951.

Ordered that the accompanying Opium and Revenue Laws Extension of Application) Amendment Bill, 1951 (Central Bill No. 14 of 1951) published in the *Gazette of India*, Part II, Section 2, lated 5th May 1951, be republished in the *Mysore Gazette*, for general nformation.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

PARLIAMENT OF INDIA.

Bills and Reports of Select Committees in Bills.

The following Bill was introduced in Parliament on the 28th April, 1951 :—

BILL NO. 44 OF 1951.

A Bill to amend the Opium and Revenue Laws (Extension of Application) Act, 1950.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Opium and Revenue Laws (Extension of Application) Amendment Act, 1951.

2. Amendment of section 3, Act XXXIII of 1950.—For clause (*b*) of section 3 of the Opium and Revenue Laws (Extension of Application) Act, 1950, the following clauses shall be substituted and shall be deemed always to have been substituted namely :—

"(*b*) in the disposal of cases transferred to the Central Commission under clause (*a*), it shall have and exercise the same powers as it has and exercises in the investigation of cases referred to it under the Taxation on Income (Investigation Commission) Act, 1947 (XXX of 1947), and shall be entitled to act for the same term as under sub-section (*3*) of section 4 of that Act;

(*bb*) any decision given, whether before or after the commencement of this Act, by the Chief Revenue Authority of Travancore-Cochin in the exercise or purported exercise of any powers conferred on it by any law for the time being in force in the State shall be deemed to be a decision given by the Income-tax authority for the purposes of sub-section (*2*) of section 8 of the Travancore Taxation on Income (Investigation Commission) Act, 1124 (Travancore Act XIV of 1124);

STATEMENT OF OBJECTS AND REASONS.

By virtue of the Opium and Revenue Laws (Extension of Application) Act 1950 (XXXIII of 1950), the cases referred to the Income-tax Investigation Commission appointed by the former Travancore State under the Travancore Taxation on Income (Investigation Commission) Act, 1124, stand transferred to the Commission constituted by the Central Government under the Taxation on Income (Investigation Commission) Act, 1947. The main purpose of the Bill is to enable the Central Investigation Commission to exercise in relation to the cases transferred to it all the powers it has under the Central Act. The Bill also makes it clear that the life of the Commission in relation to the Travancore cases is co-extensive with its life under the Central Act.

In some of the cases referred to the Travancore Commission, the Chief Revenue Authority of Travancore, who was not an income-tax authority, had made certain unauthorised reductions in the assessments. Provision has been made that the Chief Revenue Authority may be deemed to be an income-tax authority in order that such unauthorised reductions may be set right.

C. D. DESHMUKH.

NEW DELHI;
The 20th April, 1951.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. T. 1368—R. T. 14-51-2, dated Bangalore, 11th June 1951.

In exercise of the powers conferred by Section 8 of the Mysore Motor Vehicles—Taxation and Tools Act, 1951, His Highness the Maharaja of Mysore is pleased to direct that the following Motor Vehicles of the Government of India attached to the Director, Survey of India, Southern Circle, Bangalore, be exempted from payment of taxes leviable under the said Act :—

1. MY 5183 Z
2. MY 5184 Z
3. MY 5185 Z
4. MY 5186 Z
5. MY 5187 Z
6. MY 5188 Z (Jeep)
7. MY 5189 Z
8. MY 5190 Z
9. MY 7532 Z
10. MY 7533 Z.

By Order of His Highness the Maharaja,

M. S. SWAMINATHAN,
Secretary to Government,
Local Self-Government Department.

No. L.S. 1000—L.W. 61-51-2, Bangalore, dated 9th June 1951.

In exercise of the powers conferred by sub-section (3) of Section I of the Industrial Statistics Act, 1942, (Central Act No. XIX of 1942), His Highness the Maharaja of Mysore is pleased to direct that the said Act shall come into force at once in the State of Mysore.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

No. A.F. 2441—Mart. 13-51-10, dated Bangalore, 7th June 1951.

In exercise of the powers conferred by clause (*a*) of Section 3 of the Mysore Agricultural Produce Markets Act, 1939, (Mysore Act No. XVI of 1939), and in supersession of Notifications No. A.F. 6443—Mart 23-46-2, dated 9th May 1947, No. A.F. 7018—Mart 20-49-2, dated 25th January 1950, No. A.F. 2845—Mart 14-50-2, dated 23rd June 1950, and No. A.F. 1018—Mart 13-51-5, dated 2nd May 1951, His Highness the Maharaja of Mysore, is pleased to declare the following Commodities to be agricultural produce for the purposes of the said Act, namely :—

1. Cotton (both kappas and lint).
2. Cotton seed.
3. Oil seeds, namely—groundnut, sesamum, Niger, Castor seeds and Honge seeds.
4. Pulses—namely—Horsegram, Greengram, Bengalgram, Blackgram, Avare, Thogari and Cowpea.
5. Chilles.
6. Coriander.
7. Jaggery.
8. Arecanuts.
9. Coconuts and copra.
10. Cardamom.
11. Soapnuts.
12. Tamarind.
13. Tobacco.
14. Seegu.
15. Hallikautu.
16. Silkworm cocoons.
17. Urd.

By Order of His Highness the Maharaja,

No. C. 427—C.O. 9-51-7, dated Bangalore 8th June 1951.

In pursuance of Clause 5 of The Cement Rationing and Licensing Order, 1948 and in partial modification of Government Notification No. C. 364—C. O. 9-51-4, dated the 1st June 1951, His Highness the Maharaja is pleased to fix with effect from 1st June 1951, the price of Shankar Brand Cement, manufactured by Messrs. India Cement Limited, Talayuthu, for sale at Bangalore as follows :—

Rupees Seventy-eight and annas eight per ton loose in full waggon-loads f.o.r., any Railway Station *plus* actual cost of packing, subject to a maximum of Rs. 26

per ton, if supplies are made in new bags or if supplies are made in paper bags or old gunny bags, such cost, not exceeding Rs. 26 per ton, as may be mutually agreed upon by the producer and the cosumer.

By Order of His Highness the Maharaja,

No. C. 433—C.O. 23-49-89, dated Bangalore, the 9th June 1951.

In exercise of the powers conferred by Section 3 and clause (*a*) sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the notification No. C. 3130-Co., dated the 3rd October 1949, namely:—

In the schedule annexed to the said notification.—

(1) To the entries under the heading "IMPERIAL CHEMICAL INDUSTRIES (INDIA), LTD.;" the following entries shall be added, namely:—

Penicillin preparations.

	Rs.	a.	p.
Avloprocil brand of Procaine Penicillin Oily Injection (300,000 i.u. Penicillin and 120 mgm. Procaine based per c.c.).—			
Vials of 1 cc. Singly and in containers of 10 vials—per vial	2	9	0
Distaquaine G Crystalline Penicillin G Procaine Salt—Distillers Company (Biochemicals) Ltd., U.K.—			
Vials of 0.3 mega units—per vial ...	2	13	0
Distaquaine Fortified Crystalline Penicillin G Procaine Salt and Potassium Salt (Buffered)—Distillers Company (Biochemicals) Ltd., U.K.—			
Vials of 0.4 m.u.—per vial	3	7	3
Vials of 1.2 m.u.—per vial	8	2	6

(2) To the entries under the heading "MARTIN AND HARRIS LTD., CALCUTTA", the following entry shall be added, namely:—

Ascorvel (Vitamin C) 100 mg. box of 6 x 2 cc.—per box	6	4	0

(Manufactured by the Vitamins Ltd., London).

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(3) To the entries under the heading "THE UPJOHN COMPANY, U.S.A.", the following entry shall be added, namely :—

	Rs. a. p
Vitamin E Conc. capsules 50 mg. bottles of 1,000's	160 4 0

By Order of His Highness the Maharaja,

No. C. 448—Co. 23-49-88, dated Bangalore, 9th June 1951.

In exercise of the powers conferred by Section 3 and Clause (*a*) of sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the schedule to Notification No. C. 3130—Co., dated the 3rd October 1949, namely :—

In respect of the drugs in the said schedule specified in column 1 hereunder which are manufactured by Imperial Chemical Industries (India), Ltd., Ciba Pharma, Limited, Boots Pure Drug Co., (India), Ltd., Bombay, Eli Lilly and Company of India, Inc., The Geoffrey Manners & Co., Ltd., Bombay ("Wyeth Incorporated, Philadelphia"), Martin and Harris, Ltd., Calcutta (Vitamins Limited, London), The Upjohn Company, U.S.A., The Fairdeal Corporation, Ltd., Bombay, The Anglo-French Drug Co., (Estn.), Ltd., Messrs. Chowgule & Co. (Hind), Ltd., Bombay and Abbot Laboratories (India), Limited, Bombay, for the prices specified in column 2 of the said schedule, the prices specified in column 2 hereunder shall be substituted.

Imperial Chemical Industries (India), Ltd.

Penicillin Crystalline (White)—'Avlon' Brand— (Available either as the Potassium or Sodium Salt).	Rs. a. p.
Vials of 0·1 mega unit Singly, and in containers of 10 vials.....per vial	0 12 9
Vials of 0·2 mega unit Singly, and in containers of 10 vials.....per vial	1 0 6
Vials of 0·5 mega unit Singly, and in containers of 10 vials.....per vial	1 15 3
Vials of 1·0 mega unit Singly, and in containers of 10 vials.....per vial	3 7 0

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		Rs.	a.	p.
Sulphaguanidine Tablets 0·5 gm—				
Containers of 25	... ...	1	6	0
Containers of 100	... ...	4	0	0
Containers of 500	... ...	18	0	0
Sulphanilamide Tablets 0·5 gm.—				
Containers of 25	... ...	1	1	0
Containers of 30	... ...	1	4	0
Containers of 100	... ...	2	9	0
Containers of 500	... ...	8	7	0
Containers of 1,000	... ...	15	5	0
Ciba Pharma, Limited.				
Cibazol Bottles of 20 tablets—per bottle	....	2	3	0
Do 100 tablets—per bottle	...	9	2	0
Do 250 tablets—per bottle	...	20	2	0
Boots Pure Drug Co., (India), Ltd., Bombay.				
'Sulphanilamide'—Boots—				
P—Aminobenzene sulphanamide—				
Tablets of 0·5 gm. (7½ gr. approx.) Bottle of 25	...	1	0	0
Do Do 100	...	2	8	0
Do Do 500	...	9	0	0
Eli Lilly and Company of India, Inc.				
'Duracillin Fortified' (Procaine Penicillin-G and Penicillin-G, Crystalline-Sodium, Lilly) Buffered, for aqueous injection, 2,000,000 units in 5-dose rubber-stoppered ampoules—per ampoule	...	17	0	0
Geoffrey Manners & Co., Ltd., Bombay.				
"Wyeth Incorporated, Philadelphia".				
'Wycillin' (Crystalline Procaine Penicillin) Buffered—For aqueous injection—				
400,000 units per cc.—1 cc.	... ...	5	0	0
Do 5 cc.	... ...	18	0	0
'Penioral' (Penicillin tablets)—50,000 units per tablet—12's	... ...	5	4	0
'Penioral' (Penicillin tablets)—100,000 units per tablet—12's	... ...	9	8	0
Martin and Harris, Ltd., Calcutta.				
Vitamins Limited, London.				
Betavel (Aneurine Hydrochloride B1) Tablets— 25's×50 mg.	... ...	6	10	0
The Upjohn Company, U.S.A.				
Penicillin Ointment (Topical) 1 ounce	...	3	4	0
Penicillin Ointment (Ophthalmic) 1 drachm	...	2	0	0
Vitamin E concentrate caps. 50 mg. 50's	...	10	1	0

	Rs.	a.	p.
The Fairdeal Corporation, Ltd., Bombay.			
Minavitab—Bottle of 20 tablets	4	0	0
Minavitab—Bottle of 50 tablets	8	0	0
The Anglo-French Drug Co., (Estn.), Ltd.			
Sulfadiazine tablets 0·5 gm. Bottles of 20 tablets ...	3	4	0
... Do 50 tablets ...	7	8	0
Messrs. Chowgule & Co., (Hind), Ltd., Bombay.			
(Messrs. Farbenfabriken Bayer, Leverkusen, Germany).			
Dihydrostreptomycin Sulphate Bayer—Bottle of 1 g—per bottle	5	5	0
Rapidocillin Bayer (Depot Penicillin) 400,000 I.U. Crystalline Procaine Penicillin G Salt 300,000 I.U. Buffered Crystalline Penicillin G Potassium Salt 100,000 I.U.	3	12	0
Abbot Laboratories (India), Ltd., Bombay.			
Dihydrostreptomycin Sulfate 1 gm. vials ...	4	13	0
	per vial.		

By Order of His Highness the Maharaja,

No. S.D. 1832—A. 15-51-2, dated Bangalore, 11th June 1951.

In exercise of the powers conferred by Clause 2 of the Mysore Rationing Order (Food) Order No. 2, dated 1st October 1943, as amended by Notification No. S. D. 6611—A. 54-49-14, dated 12th January 1951, Food Assistants to the Deputy Commissioners of Kolar, Hassan, Shimoga and Chikmagalur Districts are appointed as "*Ex-Officio*" Rationing Officers for the area comprised in the District Headquarter towns mentioned above, in place of the District Treasury Officers.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Section—1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 3128—Legis. 3-50-13, dated Bangalore, 23rd January 1951.

Ordered that the accompanying Bill Nos. 109 to 114 namely, the Forward Contracts (Regulation) Bill, 1950, the Code of Criminal Procedure (Amendment) Bill, 1950, the Appropriation (Railways) No. 2 Bill, 1950, the Appropriation (No. 4) Bill, 1950, the Finance Commission (Miscellaneous Provisions) Bill, 1950, and the Administration of Evacuee Property (Second Amendment) Bill, 1950, published in the *Gazette of India*, Part II, Section 2, dated the 30th December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

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*BILL No. 109 OF 1950.

A

BILL

to provide for the regulation of certain matters relating to forward contracts, the prohibition of options in goods and for matters connected therewith.

BE it enacted by the Parliament as follows :—

CHAPTER I.

PRELIMINARY.

1. **Short title, extent and commencement.**—(1) This Act may be called the Forward Contracts (Regulation) Act, 1950.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date or dates as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act for different States or areas, and for different goods or classes of goods.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(*a*) "association" means any body of individuals, whether incorporated or not, constituted for the purpose of regulating and controlling the business of the sale or purchase of any goods ;

(*b*) "Commission" means the Forward Markets Commission established under section 3 ;

(*c*) "forward contract" means a contract for the delivery of goods at a future date and which is not a ready delivery contract ;

(*d*) "goods" means every kind of movable property other than actionable claims, money and securities ;

(*e*) "Government security" means a Government security as defined in the Public Debt Act, 1944 (XVIII of 1944) ;

(*f*) "non-transferable specific delivery contract" means a specific delivery contract, the rights or liabilities under which or under any delivery order, railway receipt, bills of lading, warehouse receipt or any other document of title relating thereto are not transferable ;

(*g*) "option in goods" means an agreement, by whatever name called, for the purchase or sale of a right to buy or sell, or a right to buy and sell, goods in future, and includes a *teji*, a *mandi*, a *teji-mandi*, a *galli*, a put, a call or a put and call in goods ;

(*h*) "prescribed" means prescribed by rules made under this Act ;

(*i*) "ready delivery contract" means a contract which provides for the delivery of goods and the payment of price therefor, either immediately or within such period not exceeding eleven days after the date of the contract and subject to such conditions as the Central Government may, by notification in the Official Gazette, specify in respect of any goods, the period under such contract not being capable of extension by the mutual consent of the parties thereto or otherwise ;

---

* The President has, in pursuance of clause (3) of article 117 of the Constitution of India, recommended to Parliament the consideration of the Bill.

(*j*) "recognised association" means an association which is for the time being recognised by the Central Government under section 6;

(*k*) "rules", with reference to rules relating in general to the constitution and management of an association, includes in the case of incorporated association its memorandum and articles of association;

(*l*) "securities" includes shares, scrips, stocks, bonds, debentures, debenture-stocks, or other marketable, securities of a like nature in or of any incorporated company or other body corporate and also Government securities;

(*m*) "specific delivery contract" means a forward contract which provides for the actual delivery of specific qualities or types of goods during a specified future period at a price fixed thereby or to be fixed in the manner thereby agreed and in which the names of both the buyer and the seller are mentioned;

(*n*) "transferable specific delivery contract" means a specific delivery contract which is not a non-transferable specific delivery contract.

CHAPTER II.

THE FORWARD MARKETS COMMISSION.

3. **Establishment and constitution of the Forward Markets Commission.**—(1) The Central Government may, by notification in the Official Gazette, establish a Commission to be called the Forward Markets Commission for the purpose of exercising such functions and discharging such duties as may be assigned to the Commission by or under this Act.

(2) The Commission shall consist of not more than three members appointed by the Central Government of whom the Chairman shall be a full-time member and the others, full-time or part-time as the Central Government may direct, and one of the members of the Commission shall be an officer of the Central Government and another a person having a wide experience in the organisation and working of forward markets in India.

(3) The terms and conditions of service of members of the Commission shall be such as may be prescribed.

4. **Functions of the Commission.**—The functions of the Commission shall be—

(*a*) to advise the Central Government in respect of any matter arising out of the administration of this Act;

(*b*) to keep forward markets under continuous observation and to draw the attention of the Central Government or of any other prescribed authority to any important development taking place in, or in relation to, such markets and to make recommendations thereon;

(*c*) to collect and disseminate information regarding the trading conditions in respect of goods to which any of the provisions of this Act is made applicable, including information regarding supply, demand and prices, and to submit to the Central Government periodical reports on the operation of this Act and on the working of forward markets relating to such goods;

(*d*) to make recommendations with a view to improving the organisation and working of forward markets; and

(*e*) to perform such other duties and exercise such other powers as may be assigned to the Commission by or under this Act, or as may be prescribed.

CHAPTER III.

RECOGNISED ASSOCIATIONS.

5. **Application for recognition of associations.**—(1) Any association concerned with the regulation and control of forward contracts which is desirous of being recognised for the purposes of this Act may make an application in the prescribed manner to the Central Government.

(2) Every application made under sub-section (1) shall be accompanied by a copy of the bye-laws for the regulation and control of forward contracts and also a copy of the rules relating in general to the constitution of the association, and, in particular, to—

(*a*) the governing body of such association, its constitution and powers of management and the manner in which its business is to be transacted ;

(*b*) the powers and duties of the office bearers of the association ;

(*c*) the admission into the association of various classes of members, the qualifications of members, and the exclusion, suspension, expulsion and readmission of members therefrom or thereinto ;

(*d*) the procedure for registration of partnerships as members of the association and the nomination and appointment of authorised representatives and clerks.

6. **Grant of recognition to association.**—(1) If the Central Government is satisfied, after making such inquiry as may be necessary in this behalf and after obtaining such further information, if any, as may be required, that the rules and bye-laws of the association are suitable in the interest of the trade and are in the public interest, it may grant recognition to the association in such form as may be prescribed.

(2) Before granting recognition under sub-section (1), the Central Government may, by order, direct,—

(*a*) that there shall be no limitation on the number of members of the association ;

(*b*) that the association shall provide for the appointment by the Central Government of a person, whether a member of the association or not, as its representative on, and of not more than three persons representing interests not directly represented through membership of the association as member or members of, the governing body of such association, and may require the association to incorporate in its rules any such direction and the conditions, if any, accompanying it.

(3) No rules of a recognised association shall be amended except with the approval of the Central Government.

(4) Every grant of recognition under this section shall be published in the Official Gazette.

7. **Withdrawal of recognition.**—If the Central Government is of opinion that any recognition granted to an association under the provisions of this Act should, in the interest of the trade or in the public interest, be withdrawn, the Central Government may, after giving a reasonable opportunity to the association to be heard in the matter, and in consultation with the Commission, withdraw by a notification in the Official Gazette, the recognition granted to the said association :

Provided that no such withdrawal shall affect the validity of any contract entered into or made before the date of the notification, and the Central Government may make such provision as it deems fit in the notification of withdrawal or in any subsequent notification similarly published for the due performance of any contracts outstanding on that date.

8. **Power of Central Government to call for periodical returns or direct inquiries to be made.**—(1) Every recognised association shall furnish to the Central Government such periodical returns relating to its affairs or the affairs of its members as may be prescribed.

(2) Without prejudice to the provisions contained in sub-section (1), where the Central Government considers it expedient so to do, it may, by order in writing,—

(*a*) call upon a recognised association to furnish in writing such information or explanation relating to its affairs or the affairs of any of its members as the Central Government may require, or

(*b*) direct the governing body of such association to make, in association with one or more representatives of the Central Government, an inquiry in relation to its affairs or the affairs of any of its members and submit a report of the result of such inquiry to the Central Government within such time as may be specified in the order.

(3) Where an inquiry in relation to the affairs of a recognised association or the affairs of any of its members has been undertaken under sub-section (2)—

(*a*) every director, manager, secretary or other officer of such association,

(*b*) every member of such association, and

(*c*) if the member of the association is a firm, every partner, manager, secretary or other officer of the firm,

shall be bound to produce before the governing body of the association and representatives of the Central Government associated with the governing body for the purpose of such inquiry, all such books, accounts, correspondence and other documents in his custody or power relating to, or having a bearing on the subject-matter of, such inquiry and also to furnish them with any such statement or information relating thereto as they may require of him, within such time as may be specified.

9. **Furnishing of annual reports to the Central Government by recognised associations.**—(1) Every recognised association shall furnish to the Central Government a copy of its annual report.

(2) Such annual report shall contain such particulars as may be prescribed.

10. **Power of Central Government to direct rules to be made or to make rules.**—(1) Whenever the Central Government considers it expedient so to do, it may, by order in writing, direct any recognised association to make any rules or to amend any rules made by the recognised association in respect of all or any of the matters specified in sub-section (2) of section 5 other than the matter specified in clause (*b*) of sub-section (2) of section 6 within a period of six months from the date of the order.

(2) If any recognised association, against whom an order is issued by the Central Government under sub-section (1), fails or neglects to comply with such order within the period specified in the said sub-section, the Central Government may make the rules or amend the rules made by the recognised association, as the case may be, either in the form specified in the order or with such modification thereof as may be agreed upon between the association and the Central Government.

(3) Where, in pursuance of sub-section (2), any rules have been made or amended, the rules so made or amended shall be published in the Official Gazette and on such publication shall, notwithstanding anything to the

contrary contained in the Indian Companies Act, 1913 (VII of 1913), or any other law for the time being in force, have effect as if they had been made or amended by the recognised association concerned.

11. Power of recognised association to make bye-laws.—(1) Any recognised association may, subject to the previous approval of the Central Government, make bye-laws for the regulation and control of forward contracts.

(2) In particular, and without prejudice to the generality of the foregoing power, such bye-laws may provide for—

(*a*) the opening and closing of markets and the regulation of the hours of trade ;

(*b*) a clearing house for the periodical settlement of contracts and differences thereunder, the delivery of, and payment for, goods, the passing on of delivery orders and for the regulation and maintenance of such clearing house ;

(*c*) the number and classes of contracts in respect of which settlements shall be made or differences paid through the clearing house ;

(*d*) fixing, altering or postponing days for settlement ;

(*e*) determining and declaring market rates, including opening, closing, highest and lowest rates for goods ;

(*f*) the terms, conditions and incidents of contracts including the prescription of margin requirements, if any, and conditions relating thereto, and the forms of contracts in writing ;

(*g*) regulating the entering into, making, performance, rescission and termination of contracts, including contracts between members or between a commission agent and his constituent, or between a broker and his constituent, or between a member of the recognised association and a person who is not a member, and the consequences of insolvency on the part of a seller or buyer or intermediary, the consequences of a breach or omission by a seller or buyer and the responsibility of commission agents and brokers who are not parties to such contracts ;

(*h*) the admission and prohibition of specified classes or types of goods or of dealings in goods by a member of the recognised association ;

(*i*) the method and procedure for the settlement of claims or disputes including the settlement thereof by arbitration ;

(*j*) the levy and recovery of fees, fines and penalities ;

(*k*) the regulation of the course of business between parties to contracts in any capacity ;

(*l*) the fixing of a scale of brokerage and other charges ;

(*m*) the making, comparing, settling and closing of bargains ;

(*n*) the regulation of fluctuations in rates and prices ;

(*o*) the emergencies in trade which may arise and the exercise of powers in such emergencies ;

(*p*) the regulation of dealings by members for their own account ;

(*q*) the limitations on the volume of trade done by any individual member ;

(*r*) the obligation of members to supply such information or explanation and to produce such books relating to their business as the governing body may require.

(3) The bye-laws made under this section may provide that the contravention of any of the provisions thereof shall—

(*a*) make a contract entered into, made or to be performed otherwise than in accordance with the bye-laws, void ; and

(*b*) render the member concerned liable to fine ; or

(c) render the member concerned liable to expulsion or suspension from the recognised association or to any other penalty of a like nature not involving the payment of money.

(4) Any bye-laws made under this section shall be subject to such conditions in regard to previous publication as may be prescribed, and when approved by the Central Government, shall be published in the Gazette of India and also in the Official Gazette of the State in which the principal office of the recognised association is situate :

Provided that the Central Government may, in the interest of the trade or in the public interest, by order in writing, dispense with the condition of previous publication, in any case.

12. Power of Central Government to make or amend bye-laws of recognised associations.—(1) The Central Government may, either on a request in writing received by it in this behalf from the governing body of a recognised association, or if in its opinion it is expedient so to do, make bye-laws for all or any of the matters specified in section 11 or amend any bye-laws made by such association under that section :

Provided that where the Central Government takes any action under this section on its own motion, it shall do so in consultation with the Commission.

(2) Where, in pursuance of this section, any bye-laws have been made or amended, the bye-laws so made or amended shall be published in the Official Gazette and also in the Official Gazette of the State in which the principal office of the recognised association is situate, and on such publication the bye-laws so made or amended shall have effect as if they had been made or amended by the recognised association.

(3) Notwithstanding anything contained in this section, where the governing body of a recognised association objects to any bye-laws made or amended under this section by the Central Government on its own motion, it may, within six months of the publication thereof under sub-section (2), apply to the Central Government for a revision thereof, and the Central Government may, after giving a reasonable opportunity to the governing body of the association to be heard in the matter, revise in consultation with the Commission the bye-laws so made or amended, and where any bye-laws so made or amended are revised as a result of any action taken under this sub-section, the bye-laws so revised shall be published in the Official Gazette.

(4) The making or the amendment or revision of any bye-laws under this section shall in all cases be subject to the condition of previous publication :

Provided that the Central Government may, in the interest of the trade or in the public interest, by order in writing, dispense with the condition of previous publication.

13. Power of Central Government to supersede governing body of recognised association.—(1) Where the Central Government is of opinion that the governing body of any recognised association should be superseded, then notwithstanding anything contained in this Act or in any other law for the time being in force, the Central Government may, in consultation with the Commission and after giving a reasonable opportunity to the governing body of the recognised association concerned to show cause why it should not be superseded, by notification in the Official Gazette, declare the governing body of such association to be superseded, and may appoint any person or persons to exercise and perform all the powers and duties of the governing body, and where more persons than one are appointed may appoint one of such persons to be the chairman and another of such persons to be the vice-chairman ;

Provided that the Central Government may, if it is of opinion that in the interest of the trade or in the public interest, immediate supersession is necessary, by notification similarly published, dispense with the requirement for calling upon the governing body to show cause.

(2) On the publication of a notification in the Official Gazette under sub-section (1), the following consequences shall ensue, namely :—

(*a*) the members of the governing body which has been superseded shall, as from the date of the notification of supersession cease to hold office as such members ;

(*b*) the person or persons appointed under sub-section (1) may exercise and perform all the powers and duties of the governing body which has been superseded ;

(*c*) all such property of the recognised association as the person or persons appointed under sub-section (1) may, by order in writing, specify in this behalf as being necessary for the purpose of enabling him or them to carry out the purposes of this Act, shall vest in such person or persons.

(3) Notwithstanding anything to the contrary contained in any law or the rules or bye-laws of the association whose governing body is superseded under sub-section (1), the person or persons appointed under that sub-section shall hold office for such period as may be specified in the notification published under that sub-section, and the Central Government may, from time to time, by like notification vary such period.

(4) On the determination of the period of office of any person or persons appointed under this section the recognised association shall forthwith reconstitute a governing body in accordance with its rules :

Provided that until a governing body is so reconstituted, the person or persons appointed under sub-section (1) shall continue to exercise and perform their powers and duties.

(5) On the reconstitution of a governing body under sub-section (4), all the property of the recognised association which had vested in, or was in the possession of, the person or persons appointed under sub-section (1) shall vest or revest, as the case may be, in the governing body so reconstituted.

14 Power to suspend business of recognised associations.—If in the interest of the trade or in the public interest the Central Government considers it expedient so to do, it may, by notification in the Official Gazette, direct a recognised association to suspend such of its business for such period not exceeding seven days and subject to such conditions as may be specified in the notification, and may in consultation with the Commission, by like notification extend the said period from time to time.

CHAPTER IV.

Forward Contracts and Options in Goods.

15. Forward contracts in notified goods illegal or void in certain circumstances.—(1) The Central Government may, by notification in the Official Gazette, declare this section to apply to such goods or class of goods as may be specified in the notification, and thereupon every forward contract for the sale or purchase of any goods specified in the notification which is entered into otherwise than between members of a recognised association or through or with any such member shall be illegal.

(2) Any forward contract in goods entered into in pursuance of sub-section (1) shall be void, if it has not been entered into in accordance with the bye-laws of the recognised association concerned with the regulation and control of forward contracts in such goods.

(3) No member of a recognised association shall, in respect of any goods specified in the notification under sub-section (1), enter into any contract as a principal with any person other than a member of the recognised association, unless he has secured the written consent or authority of such person and discloses in the note, memorandum or agreement of sale or purchase that he is acting as a principal:

Provided that no such written consent or authority of such person shall be necessary for closing out in accordance with the bye-laws any outstanding contract entered into by the member as a principal with such person if the member discloses in the note, memorandum or agreement of sale or purchase in respect of such closing out that he is acting as a principal.

16. Consequences of notification under section 15.—Where a notification has been issued under section 15, then notwithstanding anything contained in any other law for the time being in force or in any custom, usage or practice of the trade or the terms of any contract or the bye-laws of any association concerned relating to any contract,—

(*a*) every forward contract for the sale or purchase of any goods specified in the notification, entered into before the date of the notification and remaining to be performed after the said date and which is not in conformity with the provisions of section 15, shall be deemed to be closed out at such rate as the Central Government may fix in this behalf, and different rates may be fixed for different classes of such contracts;

(*b*) all differences arising out of any contract so deemed to be closed out shall be payable on the basis of the rate fixed under clause (*a*), and the seller shall not be bound to give and the buyer shall not be bound to take delivery of the goods.

17. Power to prohibit forward contracts in certain cases.—(*1*) The Central Government may, by notification in the Official Gazette, declare that no person shall, save with the permission of the Central Government, enter into any forward contract for the sale or purchase of any goods or class of goods specified in the notification and to which the provisions of section 15 have not been made applicable, except to the extent and in the manner, if any, as may be specified in the notification.

(*2*) All forward contracts in contravention of the provisions of sub-section (*1*) entered into after the date of publication of the notification thereunder shall be illegal.

(*3*) Where a notification has been issued under sub-section (*1*), the provisions of section 16 shall, in the absence of anything to the contrary in the notification, apply to all forward contracts for the sale or purchase of any goods specified in the notification entered into before the date of the notification and remaining to be performed after the said date as they apply to all forward contracts for the sale or purchase of any goods specified in the notification under section 15.

18. Exclusion of non-transferable specific delivery contracts from Chapters III and IV.—(*1*) Nothing contained in Chapter III or Chapter IV shall apply to non-transferable specific delivery contracts.

(*2*) Notwithstanding anything contained in sub-section (*1*) if the Central Government is of opinion that in the interest of the trade or in the public interest it is expedient so to do, it may, by notification in the Official Gazette, declare that all or any of the provisions of Chapters III and IV shall apply to non-transferable specific delivery contracts in respect of such goods or class of goods as may be specified in the notification and may also

specify the area and manner in which and the extent to which all or any of those provisions shall so apply.

19. Prohibition of options in goods.—(*1*) Notwithstanding anything contained in this Act or any other law for the time being in force, all options in goods entered into after the date on which this section comes into force shall be illegal.

(*2*) Any option in goods which has been entered into before the date on which this section comes into force and which remains to be performed, whether wholly or in part, after the said date shall to that extent become void.

CHAPTER V.

PENALTIES AND PROCEDURE.

20. Penalty for contravention of certain provisions of Chapter IV.—(*1*) Any person who enters into any forward contract or any option in goods in contravention of any of the provisions contained in sub-section (*1*) of section 15, section 17 or section 19 shall, on conviction, be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(*2*) Any person who enters into any forward contract in contravention of the provisions contained in sub-section (*3*) of section 15 shall on conviction be punishable with fine.

21. Penalty for owning or keeping place used for entering into forward contracts in goods.—Any person who—

(*a*) owns or keeps a place other than that of a recognised association, which is used for the purpose of entering into or making or performing, whether wholly or in part, any forward contracts in contravention of any of the provisions of this Act and knowingly permits such place to be used for such purposes, or

(*b*) without the permission of the Central Government, organises, or assists in organising, or becomes a member of any association, other than a recognised association, for the purpose of assisting in, entering into or making or performing, whether wholly or in part, any forward contracts in contravention of any of the provisions of this Act, or

(*c*) manages, controls or assists in keeping any place other than that of a recognised association, which is used for the purpose of entering into or making or performing, whether wholly or in part, any forward contracts in contravention of any of the provisions of this Act or at which such forward contracts are recorded or adjusted, or rights or liabilities arising out of such forward contracts are adjusted, regulated or enforced in any manner whatsoever, or

(*d*) not being a member of a recognised association, wilfully represents to, or induces, any person to believe that he is a member of a recognised association or that forward contracts can be entered into or made or performed, whether wholly or in part, under this Act through him, or

(*e*) not being a member of a recognised association or his agent authorised as such under the rules or bye-laws of such association, canvasses, advertises or touts in any manner, either for himself or on behalf of any other person, for any business connected with forward contracts in contravention of any of the provisions of this Act, or

(*f*) joins, gathers, or assists in gathering at any place, other than the place of business specified in the bye-laws of a recognised association, any person or persons for making bids or offers or for entering into or making or performing any forward contracts in contravention of any of the provisions of this Act,

shall, on conviction, be punishable with imprisonment which may extend to three years, or with fine, or with both.

22. Offences by companies.—(*1*) Where an offence has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals ; and

(*b*) "director", in relation to a firm, means a partner in the firm.

23. Certain offences to be cognizable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), any offence punishable under sub-section (*1*) of section 20 or section 21 shall be deemed to be a cognizable offence within the meaning of that Code.

24. Jurisdiction to try offences under this Act.—No court inferior to that of a presidency magistrate or a magistrate of the first class shall take cognizance of or try any offence punishable under this Act.

CHAPTER VI.

MISCELLANEOUS.

25. Power to delegate.—The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act may in such circumstances and subject to such conditions, if any, as may be specified, be exercised by such officer or authority, including any State Government or officers or authorities thereof as may be specified in the direction.

26. Power to exempt.—The Central Government may, by notification in the Official Gazette, exempt, subject to such conditions and in such circumstances as may be specified in the notification, any contract or class of contracts from the operation of all or any of the provisions of this Act.

27. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding whatsoever shall lie in any court against the governing body or any member, office-bearer or servant of any recognised association or against any person or persons appointed under sub-section (*1*) of section 13 for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or bye-laws made thereunder.

28. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the objects of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the terms and conditions of service of members of the Commission;

(*b*) the manner in which applications for recognition may be made under section 5 and the levy of a fee in respect thereof;

(*c*) the manner in which any inquiry for the purpose of recognising any association may be made and the form in which recognition shall be granted;

(*d*) the particulars to be contained in the annual reports of recognised associations;

(*e*) the manner in which the bye-laws to be made, amended or revised under this Act shall, before being so made, amended or revised, be published for criticism;

(*f*) any other matter which is to be or may be prescribed.

STATEMENT OF OBJECTS AND REASONS.

Forward trading, which normally plays a useful part in evening out price fluctuations, tends in certain situations to exaggerate such fluctuations to the detriment of the interests of both producers and consumers. During the war and the early post-war period, when the shortages of various commodities tended to bring about an undue rise in their prices, the Central Government issued orders under Rule 81 of the Defence of India Rules, prohibiting forward trading in commodities, such as foodgrains, oilseeds, oilcakes, vegetable oils, raw cotton, spices, sugar and bullion. After the Defence of India Act expired, some of these orders, such as those in respect of foodgrains edible oilseeds and oils, raw cotton and spices were kept in force under the Essential Supplies (Temporary Powers) Act, 1946, and similar orders about cotton seed and sugar were issued under the latter Act. In the case of raw cotton only, a general exemption was granted, subject to certain conditions, with respect to forward trading conducted under the auspices of the East India Cotton Association, Bombay.

Among the States, Bombay is the only State which has enacted legislation for the regulation of forward trading. The Bombay Forward Contracts Control Act, 1947, is a comprehensive piece of legislation empowering the State Government to regulate forward trading in commodities and securities and many of the provisions of this Bill have been adapted from that Act. That Act has been brought into force with respect to cotton and bullion. In West Bengal, futures trading in raw jute and jute manufactures is prohibited under the West Bengal Raw Jute Futures Act, 1948 and the West Bengal Jute Goods Act, 1950, respectively, but no legislation has been enacted in that State for the regulation of forward trading in these or any other commodities.

The bans imposed by the Central or the State Governments were only interim measures, since it was never intended permanently to deprive producers and traders of the hedging facilities they need for the satisfactory conduct of their business.

Until the inauguration of the new Constitution, however, the Central Government did not have the power to enact any long-term legislation on an all-India basis, for the regulation of forward trading. This difficulty has now been removed, since, under the new Constitution, the subject of "stock exchanges and futures markets" has been included in the Union list. As a result of this change, the State Governments are no longer competent to enact any fresh legislation with regard to forward markets, and unless the Central legislation on this subject is enacted immediately, the resulting lacuna may prevent desirable action being taken, when needed. The Essential Supplies (Temporary Powers) Act, 1946, does not empower the Central Government to regulate forward trading in any commodity other than an "essential commodity" within the meaning of that Act. Action may be needed not only for prohibiting forward trading in commodities in which it is still taking place, but also for reopening forward trading under regulated conditions, and if circumstances are favourable to such a course, in commodities in which it is now prohibited. The inclusion of the subject in the Union list has now made it possible to take such action on a co-ordinative basis, and it is desirable that the necessary legislation on the subject should be enacted as early as possible. When the Central Act comes into force, the existing State Acts will cease to operate to the extent to which they are inconsistent with the Central Act.

In February, 1950, a draft Bill on this subject was prepared and circulated to State Governments, the Reserve Bank of India, Chambers of Commerce and various other interests concerned in order to elicit their views thereon. In July, 1950, the comments received from various sources were referred to an Expert Committee under the Chairmanship of Mr. A. D. Shroff. The revised Bill now presented takes due account of these comments and the recommendations made by the Expert Committee in regard to the provisions of the Bill. The Government of India also accept in principle the Committee's recommendations in regard to the practical operation of this measure, though their application to individual cases will have to be decided in the light of experience and the circumstances of each case.

The Bill provides for the regulation of forward trading, the prohibition of options and for matters connected therewith. Transactions on stock exchanges have been excluded from the scope of this Bill, since the problem of regulating stock exchanges has some special features of its own and can best be treated separately. It is considered desirable to prohibit options altogether, since they unduly increase the volume of speculation and have, on the whole, a demoralising effect on the Market.

The regulatory provisions of this Act will be extended by notification to different classes of goods and to different areas as and when it is considered necessary to do so. The main principle underlying these provisions is that forward contracts, other than non-transferable specific delivery contracts, in goods to which the regulatory provisions are made applicable, should be allowed to be entered into only in accordance with the rules and bye-laws of a recognised association. The rules and bye-laws of every recognised association will be subject to the approval of the Central Government. The Central Government will have the power (*a*) to direct any recognised association to amend its rules, (*b*) to amend the bye-laws of such association and (*c*) to appoint one person as the representative of the Central Government,

and not more than three persons representing interests not directly represented through the membership of the association, as member or members of governing body of such association. The Central Government will also have the power to call upon a recognised association to furnish information or explanation and also to direct the governing body of the association to institute an inquiry, regarding the affairs of the association or those of any of its members, and to associate one or more Government representatives with such inquiry. In emergencies, the Central Government may have to suspend the business of a recognised association, and in certain extreme cases, to supersede the governing body of a recognised association, or even to withdraw recognition. Where the exclusion of non-transferable specific delivery contracts from the regulatory provisions of the Act is found to have led to abuses, it will be necessary to make any or all of those provisions applicable to such contracts. It is considered desirable that these powers should be available if it becomes necessary to use them.

In order to assist the Central Government in the exercise of these powers and in the administration of the Act generally and to provide for a continuous study of the problems relating to forward markets, it is considered desirable that a Commission, to be called "The Forward Markets Commission" should be established. The Commission will also assist the Central Government in co-ordinating the action taken and the policies pursued by the various authorities to whom the Central Government may have to delegate some of the powers conferred upon it by this Act.

NEW DELHI;
The 12th December, 1950.

SRI PRAKASA.

Notes on clauses

Clause 2.—Forward contracts are of three kinds: futures contracts, transferable specific delivery contracts and non-transferable specific delivery contracts. It will be seen from clause 2(*c*) read with clause 18 that the scheme of regulation embodied in this Bill will normally apply to transferable specific delivery contracts as well as futures contracts, since in many trades the former class of contracts can also be used as futures contracts for all practical purposes. Non-transferable specific delivery contracts, however, cannot normally be used for speculative purposes and Chapters III and IV of the Act will ordinarily not apply to such contracts. Government will have the powers (*a*) under clause 26, to exempt transferable specific delivery contracts, where their inclusion is likely to cause unnecessary hardships or inconvenience to the trade concerned, and (*b*) under sub-clause (2) of clause 18, to impose such regulation as it may deem fit on non-transferable specific delivery contracts, where there is evidence that their exclusion from the scheme has encouraged practices likely to defeat the purposes of the Act.

Clauses 3 and 4.—In order to assist the Central Government in the administration of the Act and to provide for a continuous study of the problems relating to forward markets, it is considered desirable that a Commission, to be called "Forward Markets Commission", should be established. The Commission will also assist the Central Government in co-ordinating the action taken and the policies pursued by the various authorities to whom the Central Government may have to delegate some of the powers conferred upon it by this Act. It has been provided in several clauses that the powers conferred by those clauses shall be exercised in consultation with the Commission.

Clauses 5, 6 and 7 provide for the grant of recognition to and withdrawal of recognition from associations concerned with the regulation and control of forward contracts. Recognition will be granted only to a limited number of associations. Before granting recognition, care will be taken to see that the rules of admission do not exclude any section of the trade whose participation is necessary or desirable in the interests of the trade. Provision is also made for securing Government representation on the governing bodies of recognised associations.

Clause 10 gives power to the Central Government to direct any recognised association to make or amend any rules in relation to any matter specified in clause 5(2) other than the matter specified in clause 6(2) (*b*).

Clauses 11 and 12.—The bye-laws of a recognised association from the chief instrument for controlling the activities of its members. Power is therefore, assumed by the Central Government under clause 12 to amend the bye-laws of a recognised association, wherever necessary, but where any action is taken by the Central Government *suo motu*, consultation with the Commission will be necessary.

Clauses 13 and 14 contain necessary powers for the supersession of the governing body of a recognised association or to suspend the business of a recognised association in emergencies.

Clause 15.—Where associations have been recognised under clause 6 in respect of a commodity in any area and clause 15 is brought into force with respect to that commodity and in that area, no forward contract will be allowed to be entered into in respect of that commodity and in that area except by or through a member of a recognised association. The clause also provides that any forward contract entered into in contravention of the bye-laws of the recognised association shall be void. A member of a recognised association acting for a non-member should not act as a principal except with the written consent of the non-member.

Clause 17 empowers Government to prohibit forward contracts in any commodity to which clause 15 has not been made applicable. Similar powers are contained in the Essential Supplies (Temporary Powers) Act, 1946, but they are limited to the essential commodities specified in that Act. The power to prohibit forward contracts may have to be exercised in situations in which excessive speculation is found to be taking place, but it is not possible to control it because of want of adequate machinery for control. Such prohibition will be withdrawn as and when the necessary arrangements are made to regulate forward contracts in the commodity concerned. Where forward trading has to be prohibited even in respect of a commodity to which clause 15 has been made applicable, the necessary action can be taken under clause 14 or clause 7.

Clause 18 excludes non-transferable specific delivery contracts from the application of this Act, unless specifically provided otherwise. See the note on clause 2.

Clause 19 prohibits option in goods. It is considered that options unduly increase the volume of speculation and have a demoralising effect on the market.

Clause 23 makes certain offences under the Act cognizable.

Clause 26.—This power is necessary. It was provided in the Forward Contracts (Prohibition) Orders issued under the Defence of India Rules and was utilised to deal with special cases.

FINANCIAL MEMORANDUM

The Forward Contracts (Regulation) Bill contemplates the setting up of a Forward Markets Commission to assist the Central Government in the administration of the proposed Act and to provide for a continuous study of the problems relating to forward markets. The Commission will also assist the Central Government in co-ordinating the action taken and the policies pursued by the various authorities to whom the Central Government may have to delegate some of the powers conferred upon it by this Act.

2. The Commission is to consist of three members of whom the Chairman is to be a full-time member and the others full-time or part-time as may be decided. Apart from the full-time Chairman and a part-time non-official member there will be a part-time official member for whom no additional expenditure will be involved. The Commission will also have a small office staff. The cost involved will be about Rs. 25,000 (non-recurring) to set up the office, and a recurring expenditure of about Rs. one lakh per annum.

The following Bills were introduced in Parliament on the 21st December 1950 :—

BILL No. 110 OF 1950

A

BILL

further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament as follows :—

1. Short title and commencement.—(1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1950.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Substitution of "India" for "the States" in Act V of 1898.—In the Code of Criminal Procedure, 1898 (hereinafter referred to as the said Code), for the words "the States", wherever they occur, the word "India" shall be substituted.

3. Amendment of Section 1, Act V of 1898.—In sub-section (2) of section 1 of the said Code,—

(*i*) for the words and letter "whole of India except Part B States," the words "whole of India except the States of Jammu and Kashmir and Manipur" shall be substituted;

(*ii*) for the words "Presidency of Fort St. George", the words "State of Madras" shall be substituted; and

(*iii*) for the words "Presidency of Bombay", the words "State of Bombay" shall be substituted.

4. Amendment of section 4, Act V of 1898.—In sub-section (1) of section 4 of the said Code,—

(*i*) for clause (*j*), the following clauses shall be substituted, namely :—

'(*i*) "High Court", in relation to the Andaman and Nicobar Islands, means the High Court in Calcutta, and, in relation to any other local area, means the highest court of criminal appeal for that area (other than the Supreme Court) or, where no such court is established under any law for the time being in force, such officer as the State Government may appoint in this behalf;

(*j*) "India" means the territories to which this Code extends;';

(*ii*) clause (*tt*) shall be omitted.

5. Amendment of section 25, Act V of 1898.—In section 25 of the said Code, the words and letter "except Part B States" shall be omitted.

6. Amendment of section 30, Act V of 1898.—In section 30 of the said Code,—

(*i*) for the words "Punjab, Delhi, Oudh, the Central Provinces, Coorg and Assam" the words "Assam, Madhya Pradesh, Punjab, Oudh, Madhya Bharat, Mysore, Patiyala and East Punjab States Union and Rajasthan, in all Part C States" shall be substituted;

(*ii*) for the word and figure "section 29", the words and figures "section 28 or section 29" shall be substituted.

7. Amendment of section 45, Act V of 1898.—In clause (*ii*) of sub-section (2) of section 45 of the said Code, for the words "by the Central Government or the Crown Representative in any part of India" the words "by the Central Government outside India" shall be substituted.

8. Amendment of section 54, Act V of 1898.—In sub-section (1) of section 54 of the said Code,—

(*i*) in clause *sixthly*, the words and figures "declared under the Indian Extradition Act, 1903, to be a unit, desertion from which is an extradition offence" shall be omitted;

(*ii*) in clause *seventhly*, the words and figures "or under the Fugitive Offenders Act, 1881" shall be omitted.

9. Substitution of new Part E in Chapter VI, Act V of 1898.—In Chapter VI of the said Code, for Part E consisting of sections 93A, 93B and 93C, the following shall be substituted, namely:—

'*E.—Special Rules regarding Processes in certain cases.*

93A. *Special Rules regarding processes in certain cases.*—(1) In this section, the expression "internal court" means any court in the territories to which this Code extends, and the expression "external court" means any court established or continued by the authority of the Central Government in exercise of its foreign jurisdiction or any court in the State of Jammu and Kashmir or in the State of Manipur.

(2) Where an internal court desires that a summons to, or a warrant for the arrest of, an accused person issued by it shall be executed at any place within the local limits of the jurisdiction of an external court, it may send such summons or warrant, in duplicate, by post or otherwise, to the presiding officer of that court to be served or executed; and where any such summons has been so served, the provisions of section 74 shall apply in relations to such summons as if the presiding officer of the external court to whom it is sent were a magistrate in the territories to which this Code extends.

(3) Where an internal court has received for service of execution a summons to, or a warrant for the arrest of, an accused person issued by an external court, it shall cause the same to be served or executed as if it were a summons or warrent received by it from another internal court for service or execution within the local limits of its jurisdiction; and where any such warrant of arrest has been so executed, the person arrested shall, so far as possible, be dealt with in accordance with the procedure prescribed by sections 85 and 86.'

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10. Amendment of section 194, Act V of 1898.—In sub-section (1) of section 194 of the said Code, for the word "order" the word "law" shall be substituted.

11. Insertion of new section 197A in Act V of 1898.—After section 197 of the said Code, the following section shall be inserted, namely :—

'197A. *Prosecution of Rulers of former Indian States.*—(1) In this section—

(*a*) "former Indian State" means any such Indian State as the Central Government may, by notification in the Official Gazette, specify for the purposes of this section ;

(*b*) "Ruler", in relation to a former Indian State, means the person who for the time being is recognised by the President as the Ruler of that State for the purposes of the Constitution.

(2) No court shall take cognizance of any offence alleged to have been committed by the Ruler of a former Indian State except with the previous sanction of the Central Government.

(3) The provisions of sub-section (2) of section 197 shall apply in relation to the prosecution and trial of the Ruler of a former Indian State as they apply in relation to the prosecution and trial of a Judge.'

12. Amendment of section 266, Act V of 1898.—In section 266 of the said Code for the words and letter "for a Part A State" the words and letters "for a Part A State or a Part B State" shall be substituted.

13. Amendment of section 267, Act V of 1898.—In section 267 of the said Code, for the word "order" the word "law" shall be substituted.

14. Amendment of section 320, Act V of 1898.—In clause (*aa*) of section 320 of the said Code, the words and letters "Part A State or Part C" shall be omitted.

15. Amendment of section 321, Act V of 1898.—In sub-section (2) of section 321 of the said Code, the words "and if the person is an European or an American, the list shall mention the race to which he belongs" shall be omitted.

16. Amendment of sections 364 and 365, Act V of 1898.—In sections 364 and 365 of the said code, for the words and letter "for a Part A State", the words and letters "for a Part A State or a Part B State" shall be substituted.

17. Amendment of section 369, Act V of 1898.—In section 369 of the said Code, the words and letter "for a Part A State" shall be omitted.

18. Amendment of section 371, Act V of 1898.—In sub-section (3) of section 371 of the said Code, after the words "by a Sessions Judge", the words "or a Judge of a High Court in the exercise of its original jurisdiction" shall be inserted.

19. Amendment of section 411A, Act V of 1898.—In sub-sections (1) and (2) of section 411A of the said Code, for the words "in the Letters Patent of any High Court" the words "in the Letters Patent or law by which the High Court is constituted or continued" shall be substituted.

20. Amendment of section 426, Act V of 1898.—In sub-section (3) of section 426 of the said Code, the words "penal servitude" shall be omitted.

21. Substitution of new sections for sections 503 to 508A, Act V of 1898.—For sections 503 to 508A, inclusive, the following sections shall be substituted, namely :—

"503. *When attendance of witness may be dispensed with and commission issued.*—(1) Whenever, in the course of any inquiry, trial or other proceeding under this Code, it appears to a High Court, court of session, district magistrate or presidency magistrate that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such court of magistrate may dispense with attendance and may issue a commission for the examination of the witness in accordance with the provisions of this Chapter.

(2) Whenever, in the course of an inquiry, trial or other proceeding under this Code before any magistrate other than a district magistrate or presidency magistrate, it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such magistrate shall apply to the district magistrate stating the reasons for the application ; and the district magistrate may either issue a commission in the manner hereinafter provided or reject the application.

504. *Commission to whom to be issued.*—(1) If the witness is within the territories to which this Code extends, the commission shall be directed to the district magistrate or chief presidency magistrate, as the case may be, within the local limits of whose jurisdiction the witness is to be found.

(2) If the witness is in India, but in an area to which this Code does not extend, the commission shall be directed to such court or officer as the Central Government may by notification in the Official Gazette, specify in this behalf.

(3) If the witness is in a country or place outside India and arrangements have been made by the Central Government with the Government of such country or place for taking the evidence of witnesses in relation to criminal matters, the commission shall be issued in such form, directed to such court or officer, and sent to such authority for transmission, as the Central Government may, by notification in the Official Gazette, prescribe in this behalf.

505. *Execution of commissions.*—(1) Upon receipt of the commission, the district magistrate, or such magistrate of the first class as he may appoint in this behalf, shall proceed to the place where the witness is, or shall summon the witness before him, and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant cases under this Code.

(2) Upon receipt of the commission, the chief presidency magistrate, or such presidency magistrate subordinate to him as he may appoint in this behalf, may compel the attendance of, and examine, the witness as if he were a witness in a case pending before himself.

506. *Parties may examine witnesses.*—(1) The parties to any proceeding under this Code in which a commission is issued may respectively forward any interrogatories in writing which the court or magistrate directing the commission may think relevant to the issue, and it shall be lawful for the magistrate, court or officer to whom the commission is directed, or to whom the duty of executing it is delegated, to examine the witness upon such interrogatories.

(2) Any such party may appear before such magistrate, court or officer by pleader, or if not in custody, in person, and may examine cross-examine and re-examine (as the case may be) the said witness.

507. *Return of commission.*—(1) After any commission issued under section 503 has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the court or magistrate issuing the commission; and the commission, the return thereto and the deposition shall be open at all reasonable times to inspection of the parties, and may, subject to all just exceptions, be read in evidence in the case by either party, and shall form part of the record.

(2) Any deposition so taken, if it satisfies the conditions prescribed by section 33 of the Indian Evidence Act, 1872 (I of 1872), may also be received in evidence at any subsequent stage of the case before another court.

508. *Adjournment of proceeding.*—In every case in which a commission is issued under section 503, the inquiry, trial or other proceeding may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

508A. *Execution of foreign commissions*—(1) The provisions of section 505 and so much of section 506 and section 507 as relates to the execution of a commission and its return shall apply in respect of commissions issued by any of the courts, judges or magistrates hereinafter mentioned as they apply to commissions issued under section 503.

(2) The courts, judges and magistrates referred to in sub-section (1) are—

"(*a*) any such court, judge or magistrate exercising jurisdiction within an area in India to which this Code does not extend, as the Central Government may, by notification in the Official Gazette, specify in this behalf: and

(*b*) any court, judge or magistrate exercising jurisdiction in any such country or place outside India as the Central Government may, by notification in the Official Gazette, specify in this behalf, and having authority, under the law in force in that country or place, to issue commissions for the examination of witnesses in relation to criminal matters."

22. Amendment of section 554, Act V of 1898.—In sub-section (1) of section 554 of the said Code, for the words and letter "for a Part A State", the words and letters "for a Part A State or a Part B State" shall be substituted.

23. Amendment of section 558, Act V of 1898.—In section 558 of the said Code, after the words and letter "Part A State" the words and letter "or a Part B State" shall be substituted.

24. Amendment of Schedule II, Act V of 1898.—In Schedule II of the said Code, under the heading "Offences against other laws," in the fifth column relating to the second item, after the words "Except in cases" the words "not relating to fire-arms" shall be inserted.

25. Repeals and savings.—(1) If immediately before the day on which this Act comes into force in a Part B State there is in force in that State any law which corresponds to the said Code, such corresponding law shall on that day stand repealed but not so as to restore any jurisdiction or form of procedure not then existing or followed or to render unlawful the continuance of any confinement which is then lawful.

(2) All notifications published, proclamations issued, powers conferred, forms prescribed, local limits defined, sentences passed and orders, rules and appointments made, under any corresponding law hereby repealed shall be deemed to have been respectively published, issued, conferred, prescribed, defined, passed and made under the corresponding provision of the said Code.

(3) The provisions of the said Code shall apply to all proceedings instituted after the coming into force of the said Code in any Part B State and, so far as may be, to all cases pending in any criminal court in that State when the said Code comes into force therein.

STATEMENT OF OBJECTS AND REASONS.

The Code of Criminal Procedure, 1898, extends at present only to Part A and Part C States. Each of the Part B States has its own Code or Codes which, although drawn on practically the same lines as the Code of 1898, operate as distinct and separate laws. One particularly inconvenient result of this multiplicity of Codes is that the warrants and summonses issued by a Court in a Part A State or Part C State against an accused person cannot be executed or served in a Part B State, and *vice versa,* without recourse to extradition proceedings which are entirely inappropriate. Furthermore, it is obviously desirable that criminal procedure throughout the country should be regulated by a single law. The main object of this Bill is to provide such a law by extending the Code of 1898 to Part B States and repeal the corresponding laws now in force in those States.

The opportunity has been taken to insert in the Code a provision designed to protect the Rules of Indian States from vexatious criminal proceedings. Before the 15th August 1947, these Rulers enjoyed, even outside their States, complete immunity from criminal proceedings in any court on principles of international comity. Covenants and agreements executed by them since that date guarantee to them all the personal privileges which were enjoyed by them immediately before the 15th August 1947, and this guarantee has been incorporated in article 362 of the Constitution. It is proposed in clause 11 of the Bill to make a statutory provision in the Code to the effect that no court shall take cognizance of any offence alleged to have been committed by a Ruler except with the previous sanction of the Central Government. While giving the Government of India full discretion to let the law of the land have its course in appropriate cases this provision will enable them to safeguard the Rulers' privileges so far as possible.

The Bill also makes a few other amendments in the Code of a minor and formal character which are explained in the notes on clauses.

NEW DELHI;
The 18th December, 1950.

JAWAHARLAL NEHRU.

NOTES ON CLAUSES.

Clause 4.—The present definition of High Court in section (1) (j) of the Code is slightly defective in that it does not expressly exclude the Supreme Court which is the highest court of criminal appeal or revision in the whole of India. The definition has accordingly been revised to remove

this defect, and also to provide that the High Court for the Andaman and Nicobar Islands in regard to criminal matters will be the High Court in Calcutta.

Clause 6.—A provision corresponding to section 30 of the Code now exists in the Criminal Procedure Codes of Madhya Bharat, Mysore, Patiala and East Punjab States Union, and Rajasthan. The territorial references in section 30 have accordingly been revised to include these four States and also all Part C States.

Clause 9.—Existing sections 93A, 93B and 93C of the Code have been formally revised and simplified so as to provide for the service or execution of summonses and warrants of arrest on a reciprocal basis between the States of Jammu and Kashmir and Manipur on the one hand and the rest of India on the other, as also in regard to courts established by the Central Government outside India in the exercise of foreign jurisdiction (*e.g.*, in Bhutan and Sikkim).

Clauses 10, 13 and 19.—The formal amendments made by these clauses are to include the *laws* by which the various High Courts in Part B States have been constituted.

Clause 15.—The words in section 321(2) of the Code which are sought to be omitted by this clause should have been omitted by the Criminal Law (Removal of Racial Discrimination) Act, 1949.

Clause 18.—Under section 371 of the Code, a session judge passing a sentence of death on an accused person has to inform him of the period of limitation within which he should appeal to the High Court. A Judge of a High Court, however, is not under the same obligation when trying a case in the exercise of the original jurisdiction of the High Court. It is proposed to apply the provisions of section 371 of the Code to Judges of High Courts as well.

Clause 21.—This clause revises the whole of Chapter XI of the Code relating to commissions for the examination of witnesses. Piece-meal amendments made in this Chapter in recent years have rendered the provisions somewhat difficult to follow. In the new section 504(3) corresponding to the existing section 503(2B), a general provision has been made for issue of commissions to *any* country outside India if and when arrangements have been made by the Government of India with the Government of that country.

Clause 24.—In order to have stricter control over offences relating to firearms, it is proposed that all such offences publishable under section 19 of the Indian Arms Act, 1878, should be made non-bailable by amending the relevant entry in Schedule II of the Code.

BILL* No. 111 OF 1950.

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March 1951, for the purposes of railways.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Appropriation (Railways) No. 2 Act, 1950.

*The President has, in pursuance of clauses (1) and (3) of article 117 of the Constitution of India, recommended to Parliament the introduction and consideration of the Bill.

2. Issue of Rs. 21,95,91,000 out of the Consolidated Fund of India for the year 1950-51.—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of twenty-one crores, ninety-five lakhs and ninety-one thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March 1951, in respect of the services relating to railways specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March 1951.

SCHEDULE.

(*See* sections 2 and 3.)

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
2	Audit ...	1,04,000	...	1,04,000
3	Miscellaneous expenditure ...	16,04,000	...	16,04,000
4	Working Expenses— Administration ...	53,55,000	...	53,55,000
5	Working Expenses— Repairs and Maintenance...	4,42,40,000	...	4,42,40,000
6	Working Expenses— Operating Staff ...	15,71,000	...	15,71,000
7	Working Expenses— Operation (Fuel) ...	1,87,49,000	...	1,87,49,000
8	Working Expenses— Operation other than Staff and Fuel	2,36,01,000	...	2,36,01,000
9	Working Expenses— Miscellaneous Expenses ...	1,20,33,000	...	1,20,33,000
9A	Working Expenses— Labour Welfare ...	15,15,000	...	15,15,000
12A	Open Line Works— (Revenue) Labour Welfare.	68,17,000	...	68,17,000
12B	Open Line Works— (Revenue) Other than Labour Welfare	40,02,000	...	40,02,000
15	Construction of new lines ...	1,01,31,000	...	1,01,31,000
16	Open Line Works— Additions ...	1,53,48,000	...	1,53,48,000
17	Open Line Works— Replacements ...	7,45,21,000	...	7,45,21,000
	GRAND TOTAL ...	21,95,91,000	...	21,95,91,000

STATEMENT OF OBJECTS AND REASONS.

This Bill is introduced in pursuance of article 114(1) of the Constitution of India, read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the monies required to meet the Supplementary grants made by Parliament for expenditure of the Central Government on Railways for 1950-51.

N. GOPALASWAMI.

NEW DELHI;
The 12th December, 1950.

BILL* No. 112 OF 1950

A

BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March, 1951.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Appropriation (No. 4) Act, 1950.

2. **Issue of Rs. 63,99,56,000 out of the Consolidated Fund of India for the year 1950-51.**—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of sixty-three crores, ninty-nine lakhs and fifty-six thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1951, in respect of the services specified in column 2 of the Schedule.

3. **Appropriation.**—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1951.

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*The President has, in pursuance of clauses (1) and (3) of article 117 of the Constitution of India, recommended to Parliament the introduction and consideration of the Bill.

SCHEDULE

(*See* section 2)

1	2	3		
		Sums not exceeding		
No. of vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
2	Union Excise Duties ...	50,00,000	...	50,00,000
5	Stamps ...	8,00,000	...	8,00,000
7	Irrigation (including working expenses), Navigation, Embankment and Drainage Works met from Revenue).	1,20,000	...	1,20,000
8	Indian Posts and Telegraphs Department (including working expenses).	96,80,000	3,20,000	1,00,00,000
9	Cabinet ...	1,05,000	...	1,05,000
13	Ministry of Law ...	15,93,000	...	15,93,000
22	Ministry of Communications	1,43,000	...	1,43,000
25	Ministry of States ...	62,000	...	62,000
28	Ministry of Rehabilitation...	4,30,000	...	4,30,000
28A	Ministry without Portfolio.	20,000	...	20,000
31	Administration of Justice...	65,000	...	65,000
33	Police ...	4,80,000	...	4,80,000
36	Ecclesiastical ...	2,000	...	2,000
37	Tribal Areas ...	5,50,000	...	5,50,000
38	External Affairs ...	36,69,000	...	36,69,000
45	Meteorology ...	1,000	...	1,000
51	Agriculture ...	30,66,000	...	30,66,000
52	Civil Veterinary Services ...	1,000	...	1,000
61	Census ...	22,29,000	...	22,29,000
64	Miscellaneous Departments.	3,59,000	...	3,59,000
65	Currency ...	90,00,000	...	90,00,000
68	Communications (including National Highways).	50,00,000	...	50,00,000
69	Other Civil Works ...	...	7,000	7,000
73	Miscellaneous ...	10,05,000	...	10,05,000
74	Expenditure on Displaced Persons.	7,40,00,000	...	7,40,00,000
75	Defence Services—Effective —Army.	16,55,02,000	...	16,55,02,000
81	Resettlement and Development.	4,61,000	...	4,61,000
84	Delhi ...	77,53,000	...	77,53,000
85	Ajmer ...	15,06,000	...	15,06,000
86	Kutch ...	6,23,000	...	6,23,000
87	Himachal Pradesh ...	18,000	...	18,000

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1	2	3		
		Sums not exceeding		
No. of vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
88	Bilaspur ...	25,000	...	25,000
91	Tripura ...	9,74,000	...	9,74,000
92	Andaman and Nicobar Islands.	2,04,000	...	2,04,000
93	Union Public Service Commission.	...	33,000	33,000
94	Capital Outlay on Forests...	8,70,000	...	8,70,000
95	Capital Outlay on Indian Security Press.	3,80,000	...	3,80,000
96	Capital Outlay on Indian Posts and Telegraphs (not met from Revenue).	1,000	...	1,000
98	Capital Outlay on Industrial Development.	52,50,000	...	52,50,000
99	Capital Outlay on Civil Aviation.	55,00,000	...	55,00,000
101	Capital Outlay on Currency.	2,63,50,000	...	2,63,50,000
102	Capital Outlay on Mints ...	12,00,000	...	12,00,000
107	Defence Capital Outlay ...	4,63,68,000	...	4,63,68,000
108	Capital Outlay on Schemes of State Trading.	1,000	...	1,000
109	Capital Outlay on Development.	1,05,00,000	...	1,05,00,000
110	Interest-free and Interest-bearing Advances.	1,00,00,000	23,87,30,000	24,87,30,000
	Grand Total ...	40,08,66,000	23,90,90,000	63,99,56,000

STATEMENT OF OBJECTS AND REASONS.

This Bill is introduced in pursuance of article 114(1) of the Constitution of India, read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the Supplementary expenditure charged on the Consolidated Fund and the grants made by Parliament for expenditure of the Central Government, excluding Railways, for 1950-51.

NEW DELHI;
The 19th December, 1950.

CHINTAMAN D. DESHMUKH.

BILL* No. 113 OF 1950

A

BILL

to determine the qualifications requisite for appointment as members of the Finance Commission and the manner in which they shall be selected, and to prescribe their powers.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Finance Commission (Miscellaneous Provisions) Act, 1950.

2. Definition.—In this Act, "the Commission" means the Finance Commission constituted by the President pursuant to clause (1) of article 280 of the Constitution.

3. Qualifications for appointment as, and the manner of selection of, members of the Commission.—The Chairman of the Commission shall be selected from among persons who have had experience in public affairs, and the four other members shall be selected from among persons who—

(*a*) are, or have been, or are qualified to be appointed as Judges of a High Court ; or

(*b*) have special knowledge of the finances and accounts of the Government ;

(*c*) have had wide experience in financial matters and in administration ; or

(*d*) have special knowledge of economics.

4. Personal interest to disqualify members.—Before appointing a person to be a member of the Commission, the President shall satisfy himself that that person will have no such financial or other interest as is likely to affect prejudicially his functions as a member of the Commission ; and the President shall also satisfy himself from time to time with respect to every member of the Commission that he has no such interest and any person who is, or whom the President proposes to appoint to be, a member of the Commission shall, whenever required by the President so to do, furnish to him such information as the President considers necessary for the performance by him of his duties under this section.

5. Disqualifications for being a member of the Commission.—A person shall be disqualified for being appointed as, and for being, a member of the Commission,—

(*a*) if he is of unsound mind ;

(*b*) if he is an undischarged insolvent ;

(*c*) if he has been convicted of an offence involving moral turpitude.

6. Term of office of members and eligibility for reappointment.—Every member of the Commission shall hold office for such period as may be specified in the order of the President appointing him, but shall be eligible for reappointment :

Provided that he may, by letter addressed to the President resign his office.

7. Conditions of service and salaries and allowances of members.—The members of the Commission shall render whole-time or part-time service

*The President has, in pursuance of clause (3) of Article 117 of the Constitution of India, recommended to Parliament the consideration of the Bill.

to the Commission as the President may in each case specify, and there shall be paid to the members of the Commission such fees or salaries and such allowances as the Central Government may, by rules made in this behalf, determine.

8. Procedure and powers of the Commission.—(1) The Commission shall determine their procedure and in the performance of their functions shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), while trying a suit in respect of the following matters, namely :—

(*a*) summoning and enforcing the attendance of witnesses ;
(*b*) requiring the production of any document ;
(*c*) requisitioning any public record from any court or office.

(2) The Commission shall have power to require any person to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission.

(3) The Commission shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

Explanation.—For the purposes of enforcing the attendance of witnesses, the local limits of the Commission's jurisdiction shall be the limits of the territory of India.

STATEMENT OF OBJECTS AND REASONS.

The object of the Bill is to prescribe the qualifications of the Chairman and members of the Finance Commission and to confer upon the Commission certain powers in accordance with the provisions of Article 280 of the Constitution. It is proposed to set up the Commission as soon as possible after the Bill is passed by Parliament.

NEW DELHI ;
The 14*th December*, 1950.

C. D. DESHMUKH.

NOTES ON CLAUSES.

Clause 3.—This clause prescribes the qualifications of the Chairman and members of the Commission and largely follows the recommendations made by a Committee appointed by the Constituent Assembly to advise on the financial provisions of the draft Constitution.

Clauses 4 and 5.—These lay down the circumstances in which a person will be disqualified from being a member of the Commission.

Clauses 6 and 7.—The clauses provide for the regulation of the tenure of appointment of the members of the Commission, their fees, salaries and allowances, etc.

Clause 8.—This confers on the Commission the powers of a civil court in respect of certain matters to enable them to discharge their functions.

FINANCIAL MEMORANDUM.

Expenditure will be incurred on the Commission when it is set up but it is not possible to give an estimate as the fees, salaries and allowances of the members of the Commission will be fixed under rules to be framed after the Bill has been passed. The programme of work of the Commission will be settled only after it has been set up.

The following Bill was introduced in Parliament on the 22nd December, 1950 :—

BILL No. 114 OF 1950

A

BILL

further to amend the Administration of Evacuee Property Act, 1950.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Administration of Evacuee Property (Second Amendment) Act, 1950.

2. Amendment of section 2, Act XXXI of 1950.—In clause (*f*) of section 2 of the Administration of Evacuee Property Act, 1950 (hereinafter referred to as the said Act), after sub-clause (1), the following sub-clause shall be inserted and shall be deemed always to have been inserted, namely :—

"(1A) belonging to a joint stock company of which not less than fifty-one per cent of the shares are held by evacuees, notwithstanding that the registered office of such company is situated in any part of the territories to which this Act extends, or".

3. Substitution of new section for section 17, Act XXXI of 1950.—For section 17 of the said Act, the following section shall be substituted and shall be deemed always to have been substituted, namely :—

"17. *Exemption of evacuee property from processes of court, etc.*—(1) Save as otherwise expressly provided in this Act, no evacuee property which has vested or is deemed to have vested in the Custodian under the provisions of this Act shall, so long as it remains so vested, be liable to be proceeded against in any manner whatsoever in execution of any decree or order of any court or other authority, and any attachment or injunction or order for the appointment of a receiver in respect of any such property subsisting on the commencement of the Administration of Evacuee Property (Second Amendment) Act, 1950, shall cease to have effect on such commencement and shall be deemed to be void.

(2) Where, after the 1st day of March, 1947, any evacuee property which has vested in the Custodian or is deemed to have vested in the Custodian under the provisions of this Act has been sold in execution of any decree or order of any court or other authority, the sale shall be set aside if an application in that behalf has been made by the Custodian to such court or authority on or before the 17th day of October, 1950."

STATEMENT OF OBJECTS AND REASONS.

An agreement was arrived at with the Government of Pakistan in June 1950 according to which property of Joint Stock Companies should be treated as evacuee property if the holders of the majority of shares of such companies have migrated to Pakistan. The existing Administration of Evacuee Property Act, 1950 (XXXI of 1950) does not admit of such property being treated as evacuee property. It is proposed to amend the definition of evacuee property so as to make the property of such companies evacuee property.

2. Section 17 of the Administration of Evacuee Property Act was designed to bar the jurisdiction of civil courts in matters relating to execution of decrees and orders concerning evacuee property. While it was felt that the existing section was comprehensive enough, civil courts have found a lacuna in the section and orders have been issued by some civil courts for appointment of receivers, etc., in respect of evacuee property. Such orders are contrary to the spirit underlying the Administration of Evacuee Property Act and also contrary to the understanding between the Governments of India and Pakistan that evacuee property will not be allowed to be attached, sold, etc., under orders of civil courts. It is proposed to rectify this lacuna by this amending Bill.

NEW DELHI;
The 18*th December*, 1950.

AJIT PRASAD JAIN.

M. N. KAUL,
Secretary.

757295

NOTIFICATION.

No. L.D. 3343—Legis. 2-50-67, dated Bangalore, 9th March 1951.

Ordered that the accompanying Appropriation (Railways) Act, 1951 (Central Act VI of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 2nd March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

Received Assent on 1st March 1951.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE APPROPRIATION (RAILWAYS) ACT, 1951.

(VI OF 1951)

AN

ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March, 1951, for the purposes of railways.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Appropriation (Railways) Act, 1951.

2. Issue of Rs. 24,16,57,000 out of the Consolidated Fund of India for the year 1950-51.—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of twenty-four crores, sixteen lakhs and fifty-seven thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1951, in respect of the services relating to railways specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1951.

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SCHEDULE

(See sections 2 and 3)

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purposes	Voted by Paliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
4	Working Expenses— Administration	20,00.000	...	20,00,000
5	Working Expenses— Repairs and Maintenance	1,04,53,000	...	1,04,53,000
6	Working Expenses— Operating Staff	46,30,000	...	46,30,000
7	Working Expenses— Operation (Fuel)	23,42,000	...	23,42,000
8	Working Expenses— Operation (other than Staff and Fuel) ...	37,63,000	...	37,63.000
9	Working Expenses— Miscellaneous Expenses ...	39,59,000	...	39,59,000
11	Appropriation to Depreciation Fund	13.00,00,000	...	13,00,00,000
14	Appropriation to Revenue Reserve Fund ...	2,23,56,000	...	2,23,56,000
16	Open Line Works— Additions	1,28,96,000	...	1,28,96,000
17	Open Line Works— Replacements	4,21,04,000	...	4,21,04,000
20	Dividend payable to General Revenues ...	71,54,000	...	71,54,000
	Grand Total ...	24,16,57,000	...	24,16,57,000

K. V. K. SUNDARAM, *Secy.*

NOTIFICATION.

No. L.D. 421—Legis. 4-51-20, dated Bangalore, 21st May 1951.

Ordered that the accompanying Representation of the People (Amendment) Act, 1951 (Central Act No. XXVII of 1951) published in the *Gazette of India*, Part II, Section 1, dated the 7th May 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

Received Assent on 5th May 1951]

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 1951.

(XXVII OF 1951.)

AN

ACT

further to amend the Representation of the People Act, 1950.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Representation of the People (Amendment) Act, 1951.

2. **Insertion of new section 3A in Act XLIII of 1950.**—After section 3 of the Representation of the People Act, 1950 (hereinafter referred to as the principal Act), the following section shall be inserted, namely :—

"3A. *Reservation of seats in the House of the People for scheduled castes and scheduled tribes in certain Part C States.*—(1) Of the seats in the House of the People allotted under section 3 to each of the States of Delhi, Himachal Pradesh and Vindhya Pradesh, one shall be reserved for the scheduled castes; and of the seats so allotted to each of the States of Manipur and Vindhya Pradesh, one shall be reserved for the scheduled tribes.

(2) For the purposes of this Act, the castes specified in the Sixth Schedule shall be the scheduled castes in relation to the Part C State under which they are so specified, and the tribes specified in the Seventh Schedule shall be the scheduled tribes in relation to the Part C State under which they are so specified."

3. **Addition of Sixth and Seventh Schedules to Act XLIII of 1950.**—After the Fifth Schedule to the principal Act, the following Schedules shall be inserted, namely :—

"SIXTH SCHEDULE.

[*See* section 3A (2).]

(*Scheduled Castes in certain Part C States*).

Delhi.

1 Adi-Dharmi.
2 Agria.
3 Aheria.
4 Balai.
5 Banjara.
6 Bawaria
7 Bazigar.
8 Bhangi.
9 Bhil.
10 Chamar.
11 Chanwar Chamar.
12 Chohra (Sweeper).
13 Chuhra (Balmiki).
14 Dhanak or Dhanuk.
15 Dhobi.
16 Dom.
17 Gharrami.
18 Jatya or Jatav Chamar.
19 Julha (Weaver).
20 Kabirpanthi.
21 Kachbandha.
22 Kanjar
23 Khatik.
24 Koli
25 Lalbegi.
26 Madari.
27 Mallah.
28 Mazhabi.
29 Megwal.
30 Mochi.
31 Nat (Nat Rana)
32 Pasi.
33 Perna.
34 Ram Dasia.
35 Ravidasi or Raidasi
36 Rehgarh or Raigar.
37 Sansi.
38 Sapera.
39 Sikligar.
40 Singewala or Kalbelia.
41 Sirkiband.

Himachal Pradesh.

1 Ad-dharmi.
2 Balmiki or Chura or Bhangi or Sweeper.
3 Bangali.
4 Banjara.
5 Barar.
6 Bawaria.
7 Bazigar.
8 Besi.
9 Bhanjra.
10 Chamar.
11 Chanal.
12 Dagi.
13 Daole.
14 Dhaki or Toori.
15 Doom or Doomna.
16 Kabirpanthi or Julaha or Keer.
17 Koli.
18 Mazhabi.
19 Mochi.
20 Nat.
21 Od.
22 Pasi.
23 Phrera.
24 Ramdasi or Ravidasi.
25 Ramdasia.
26 Rehar.
27 Sansi.
28 Sapela.
29 Sikligar.
30 Sirkiband

Vindhya Pradesh.

1 Basor (Bansphor).
2 Chamar.
3 Dahait.
4 Dharkar.
5 Dher.
6 Dom.
7 Domar or Doris.
8 Kuchbandhia.
9 Mehtar or Bhangi or Dhanuk.
10 Mochi.

SEVENTH SCHEDULE.

[*See* section 3A (2).]

(Scheduled Tribes in certain Part C States.

Manipur.

1. Any Kuki tribe.
2. Any Lushai tribe.
3. Any Naga tribe.

Vindhya Pradesh.

1 Agariya.
2 Baiga.
3 Bhumiya.
4 Gond.
5 Kamar.
6 Khairwar
7 Majhi.
8 Mawasi.
9 Panika.
0 Pao."

K. V. K. SUNDARAM,

Secretary to the Government of India.

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PART IV

Section I-C

RULES, ORDERS AND NOTIFICATIONS, UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 3032—Legis. 6-50-72, dated Bangalore, 5th January 1951.

Ordered that the accompanying Notification No. S.R.O. 1017, dated the 5th December 1950 of the Ministry of Communications, amending the Indian Post Office Rules, 1933, published in the *Gazette of India*, Part II, Section 3, dated the 9th December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF COMMUNICATIONS.

(POSTS AND TELEGRAPHS)

New Delhi, the 5th December 1950.

S.R.O. 1017.—In exercise of the powers conferred by Sections 7 and 10 of the Indian Post Office Act, 1898, (VI of 1898), the Central Government is pleased to direct that the following further amendment shall be made in the Indian Post Office Rules, 1933, namely,—

In the said Rules—

The following further proviso shall be added to rule 196, namely,—

"Provided further that no late fee shall be chargeable on unregistered letters, postcards, letter-cards, packets or registered newspapers posted in selected post offices kept specially open on Sundays during their specified hours of business."

[No. R-1-16/50.]

K. V. VENKATACHALAM, Dy. Secy.

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NOTIFICATION.

No. L.D. 3033—Legis. 6-50-71 dated Bangalore 5th January 1951.

Ordered that the accompanying Notification No. S.R.O. 1015 dated the 29th November 1950 of the Ministry of Rehabilitation, amending the Displaced Persons (Verification of Claims) Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 9th December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA

MINISTRY OF REHABILITATION.

OFFICE OF THE CHIEF CLAIMS COMMISSIONER.

Delhi, the 29th November 1950.

S.R.O. 1015.—In exercise of the powers conferred by section 16 of the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), the Central Government is pleased to direct that the following amendments shall be made in the Displaced Persons (Verification of Claims) Rules, 1950, namely :—

I. In the said Rules for rule 17 the following shall be substituted, namely :—

17. Service of notice or order.—

(1) Every notice or order under these rules shall be served upon the claimant by ordinary post under certificate of posting or by registered post acknowledgment due, or if the claimant happens to be in the same station as the Claims Officer, at the discretion of the Claims Officer, by the office peon.

(2) A notice or order shall be deemed to have been duly served if it has been sent in the manner prescribed in sub-rule (1) to the last address supplied by the claimant:

Provided, however, that where the notice or order is sent by ordinary post under postal certificate, the Claims Officer shall not *ordinarily* enforce the consequences of non-compliance with the notice or order.

II. In the Schedule to the Rules in form A, B and C, the words "By Registered Post/AD" at the top left-hand corner shall be deleted.

[No. 2(6)/CCC/G-50.]

S. B. CAPOOR,

Joint Chief Claims Commr. & Joint Secy.

NOTIFICATION. 264

No. L.D. 85—Legis. 4-50-112 dated Bangalore, 16th April 1951.

Ordered that the accompanying Notification No. S.R.O. 402, dated the 15th March 1951 of the Ministry of Commerce and Industry—Central Tea Board (Statistics of Tea Exports to the United Kingdom) Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 24th March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF COMMERCE AND INDUSTRY.

CENTRAL TEA BOARD.

New Delhi, the 15th March 1951.

S.R.O. 402.—In exercise of the powers conferred by section 15 of the Central Tea Board Act, 1949 (XIII of 1949), and after consulting the Central Tea Board, the Central Government hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section, namely:—

CENTRAL TEA BOARD (STATISTICS OF TEA EXPORTS TO THE UNITED KINGDOM) RULES, 1951.

1. These rules may be called the Central Tea Board (Statistics of Tea Exports to the United Kingdom) Rules, 1951.

2. (1) All growers shall submit to the Chairman, Central Tea Board, not later than the 21st of each month, in the form prescribed in Appendix I to these Rules, monthly returns of their exports to the United Kingdom of teas of each calendar year, other than those sold through the medium of tea auctions in India.

(2) All exporters of tea to the United Kingdom other than those covered by sub-rule (1) shall also submit monthly returns of their exports of tea to the United Kingdom in the manner prescribed in sub-rule (1).

Explanation.—Monthly returns during each month of a calendar year shall be submitted by all persons who have exported teas, other than teas purchased through the medium of tea auctions, to the United Kingdom in any one month. These returns should be submitted by exporters acting as principals or, on their behalf, by their authorised agents at the port of shipment. A "nil" return shall be sent when no tea is exported. Agency houses, proprietors or companies shall submit only one return of teas exported from all estates under their control.

APPENDIX I.

Monthly Return under Rule 2 of the Central Tea Board (Statistics of Tea Exports to the United Kingdom) Rules, 1951.

Month Year

Exporter's name

Address

		Crop of the year		
		195 .	195 .	195 .
(1) Quantity reported in previous return	Lbs.			
(2) Quantity exported in month under review:				
by s. s.	Lbs.			
s. s.	Lbs.			
s. s.	Lbs.			
etc. etc.				
(3) Total exports during calendar year up to end of month under review	Lbs.			
(4) of which exported to the London Auctions	Lbs.			

Date

Signature of Exporter or of his Authorised Agent.

This form should reach the Chairman Central Tea Board, 27 and 29, Brabourne Road, Calcutta 1, not later than the 21st day of the month following the month under review.

[No. 75 (43)-Tea/50.]

P. RATNAM, Dy. Secy.

NOTIFICATION.

No. L.D. 87—Legis. 6-50-90, dated Bangalore, 16th April 1951.

Ordered that the accompanying Notification No. S.R.O. 408, dated the 16th March 1951 of the Ministry of Food and Agriculture under the Indian Central Coconut Committee Act, 1944, published in the *Gazette of India*, Part II, Section 3, dated the 24th March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA

MINISTRY OF FOOD AND AGRICULTURE.

(AGRICULTURE)

New Delhi, the 16th March 1951

S.R.O. 408.—Under section 4 of the Indian Central Coconut Committee Act, 1944 (Act. No X of 1944), the following have been nominated to be members of the Indian Central Coconut Committee, with effect from the 1st April 1951 :—

Name and address	*Nominating authority*	*Interest represented*
Shri B. M. Peter, Ex-M. L. C., Andikadavu, Cochin.	Government of Travancore and Cochin.	Growers, under section 4 (b) of the Indian Coconut Committee Act, 1944.
Janab A. R. Sulaiman Sait, Alleppey.	Government of Travancore and Cochin.	Coconut Oil Industry under section 4(c) of the said Act
Sri Mankuzhi M. Madhavan, M.L.A., Vennicode, Kadakavoor.	Government of Travancore and Cochin.	Growers, under section 4 (b) of the said Act.
Sri K. M. Antia, General Manager, Tata Oil Mills Co., Ltd., Bombay.	Indian Merchants' Chamber, Bombay.	Coconut Oil Industry, under section 4 (c) of the said act.
Sri C. H. Lingadevaru, LL.B., Land-lord, Chiknaikanahalli, Mysore State.	Government of Mysore.	Representative of the Govt. of Mysore under section 4 (d) of the said Act.
Hon'ble Sri V. Venkatappa, Speaker, Mysore Legislative Assembly, Bangalore.	Government of Mysore.	Growers, under section 4 (b) of the said Act.

[No. F.2(1)/51-Comm-II.]

A. N. BERY, Under Secy.

NOTIFICATION.

No. L.D. 91—Legis. 4-50-111, dated, Bangalore 16th April 1951.

Ordered that the accompanying Notifications No. S.R.O. 376 and 378, dated the 14th March 1951 of the Ministry of Finance (Revenue Division) amending the Part B States (Taxation Concessions) Order, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 17th March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE, (REVENUE DIVISION.)

INCOME-TAX.

New Delhi, the 14th March 1951.

S.R.O. 376.—In exercise of the powers conferred by section 60A of the Indian Income-tax Act, 1922 (XI of 1922), the Central Government hereby makes the following amendment to the Part B States (Taxation Concessions) Order, 1950.

In the said Order, to sub-paragraph (1) of paragraph 13, the following proviso shall be added, namely :—

"Provided that nothing in this sub-paragraph shall affect any demand made or collected under section 18A of the Act before the 2nd day of December 1950."

[No. 24]

S.R.O. 378.—In exercise of the powers conferred by section 60A of the Indian Income-tax Act, 1922 (XI of 1922), the Central Government is pleased to direct that the following amendment shall be made in the Part B States (Taxation Concessions) Order, 1950, namely :—

In paragraph 15 of the said Order—

For the existing clause (iii), the following shall be substituted, namely :—

"(iii) The *bona fide* annual value of the palaces of Rulers of Indian States which are declared by the Central Government as the official residences of such Rulers".

[No. 26]

P. C. PADHI, *Addl. Secy.*

NOTIFICATION.

No. L.D. 92—Legis. 4-50-110, dated, Bangalore 16th April 1951.

Ordered that the accompanying Notification No. S.R.O. 365, dated the 9th March 1951 of the Ministry of Communications—Rules for the prevention of unlawful possession of Telegraph Wires, published in the *Gazette of India*, Part II, Section 3, dated the 17th March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

POSTS AND TELEGRAPHS.

New Delhi, the 9th March 1951.

S.R.O. 365.—In exercise of the powers conferred by section 8 of the Telegraph Wires (Unlawful Possession) Act, 1950 (LXXIV of 1950), the Central Government hereby make the following Rules :—

1. *Short title.*—These rules may be called the "Rules for the prevention of unlawful possession of Telegraph Wires".

2. *Definitions.*—In these Rules, unless the context otherwise requires,—

(*a*) 'Act' means the Telegraph Wires (Unlawful Possession) Act (LXXIV of 1950).

(*b*) 'Department' means the Indian Posts and Telegraphs Department.

(*c*) 'Divisional Engineer' means any of the Divisional Engineers of the Department, in charge of Telegraph or Telephone Divisions at stations specified in Appendix 'B' of these Rules.

(*d*) 'Declarer' means a person in possession of telegraph wires and who makes a declaration in writing as required by rule 2 of these Rules.

3. A declaration under section 3 of tha Act shall be in the form shown in Appendix 'A'. The form should be sent by registered post (Acknowledgment Due) to the Divisional Engineer of the station nearest to his place of residence or business.

4. The Divisional Engineer may, if he thinks fit, on receipt of the declaration form, arrange for inspection of the declared stocks.

5. *The Price at which and the Authority to whom Wires may be sold.*—For the purposes of the proviso to section 4, every Divisional Engineer shall be the authority to whom wires may be sold by a declarer and the price at which it may be sold shall be Rs. 110 per Cwt.

APPENDIX 'A'

Declaration Form.

(1) Name (in full)

(2) Full address of the declarer.

(3) Full address where telegraph wires are stocked.

	Gauge	*Quantity*
(4) Quantity of telegraph wires in stock.	150 lbs.	————lbs.
	200 lbs.	————lbs.
	300 lbs.	————lbs.

I declare, that the particulars contained in the above statement are correct.

Place

Dated the 1951. Signature of the Declarer.

To

The Divisional Engineer,

Telegraphs/Telephones,

Incharge Division.

[NOTE.—This declaration form should be filled in duplicate and sent by Registered Post (Acknowledgment Due) to the Divisional Engineer of the Posts and Telegraphs Department at the nearest station].

APPENDIX 'B'

List of Divisional Engineers of the Department

(1) Calcutta (West)
(2) Jalpaiguri (Independent Sub-Division)
(3) Patna
(4) Ranchi
(5) Shillong
(6) Cuttack (Independent Sub-Division)
(7) Ahmedabad
(8) Bombay
(9) Poona
(10) Rajkot
(11) Ajmer
(12) Indore
(13) Nagpur
(14) Jaipur (Telephones)
(15) Jullundur
(16) Ambala
(17) Bangalore
(18) Madras
(19) Tiruchirpally
(20) Vizagapatnam
(21) New Delhi (Telephones)
(22) Agra
(23) Lucknow
(24) Kanpur

[No. NM.30-4/50.]

K. V. VENKATACHALAM, *Dy. Secy.*

NOTIFICATION.

No. L.D. 93—Legis. 6-50-89, dated, Bangalore 16th April 1951.

Ordered that the accompanying Notification No. S.R.O. 364, dated the 9th March 1951 of the Ministry of Communications appointing the date of commencement of the Telegraph Wires (Unlawful Possession) Act, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 17th March 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

POSTS AND TELEGRAPHS.

New Delhi, the 9th March 1951.

S.R.O. 364.—In exercise of the powers conferred by sub-section (3) of section 1 of the Telegraph Wires (Unlawful Possession) Act, 1950 (LXXIV of 1950), the Central Government hereby appoints the 1st day of April, 1951 as the date on which the said Act shall come into force in the whole of India (excluding Jammu and Kashmir).

[No. NM.30-4/50.]

K. V. VENKATACHALAM, *Dy. Secy.*

NOTIFICATION.

No. C. 340-Co—40-50-42, dated Bangalore, 28th May 1951.

Ordered that the accompanying Notification No. P. C. 7. (8)/50, dated the 12th May 1951 of the Government of India, Ministry of Commerce and Industry under the Supply and Prices of Goods Act, 1950 (LXX of 1950), be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 12th May 1951.

No. P. C. 7 (8)/50.—In exercise of the powers conferred by section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950) and in supersession of the notification of the Government of India in the Ministry of Commerce and Industry, No. S.R.O. 577, dated the 19th April, 1951, the Central Government hereby fixes the following schedule of maximum prices for certain varieties of Caustic Soda.

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SCHEDULE.

Variety of caustic Soda	Maximum price in certain specified localities	Maximum price that may be charged by a distributor	Maximum price that may be charged by a wholesale dealer	Maximum price that may be charged by a retail dealer
1	2	3	4	5
1. Caustic Soda (Solid) 98/99 per cent 1 cwt. drums Imported from U. K.	Bombay Rs. 40-6-0 per cwt. F.O.R. Calcutta Rs. 40-2-0 per cwt. F.O.R. Madras Rs. 40-4-0 per cwt. F.O.R.	The price specified in column *2 plus* (a) actual railway freight by goods train from any of the localities specified in column 2 to the place of destination and (b) handling charges not exceeding Annas eight per cwt.	The price specified in column *3 plus* a margin not exceeding Annas eight per cwt.	The price specified in column *4 plus* a margin not exceeding Rs. 1-12-0 per cwt.
2. Caustic Soda (Solid) 99/100 per cent 661-lb drums (imported from U.K.	Bombay Rs. 40-2-0 per cwt. F.O.R. Calcutta Rs. 39-14-0 per cwt. F.O.R. Madras Rs. 40-0-0 per cwt. F.O.R.	do	do	do
3. Caustic Soda (Solid) 91/99 per cent 661-lb drums (Imported from U.K.)	Bombay Rs. 37-10-0 per cwt. F.O.R. Calcutta Rs. 37-6-0 per cwt F.O.R. Madras Rs. 37-8-0 per cwt. F.O.R.	do	do	do

ORDER.

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir) all Chief Commissioners of Part C States including Andaman and Nicobar Islands ; all Ministries of the Government of India, Cabinet Secretariat, Prime Minister's Secretariat, Secretary to the President ; the Indian Trade Commissioners ; all Indian Embasaies, the High Commissioner for India, London ; His Majesty's Trade Commissioner in India, all Chambers of Commerce and Associations, the Director-General of Commercial Intelligence and Statisties, Calcutta, the High Commissioner for Iadia in Pakistan, Karachi, the High Commissioner for Pakistan in India, New Delhi, the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED that it be published in the *Gazette of India*.

S. K. DUTTA,
Deputy Secretary to the Government of India.

NOTIFICATION.

No. C.-355 Co.—40-50-40, Dated Bangalore, 25th May 1951.

Ordered that the accompanying Notification No. 7 (8)-PC/50 dated the 18th May 1951 of the Government of India, Ministry of Commerce and Industry under the Supply and Prices of Goods Act 1950 (No. LXX of 1950) be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 18th May 1951.

No. 7 (8)-PC/50.—In exercise of the powers conferred by Section 4 of the Supply and Prices of Goods Act, 1950 (No. LXX of 1950) and in modification of the late Ministry of Industry and Supply Notification No. S.R.O. 503, dated the 2nd September, 1950, in so far as it relates to the fixation of the maximum price of indigenous Caustic Soda, the Central Government hereby fixes the following schedule of the maximum price of the said type of the Caustic Soda.

SCHEDULE

Variety of Caustic Soda	Maximum price in certain specified localities	Maximum price that may be charged by by a distributor	Maximum price that may be charged by a wholesale dealer	Maximum price that may be charged by a retail dealer
1	2	3	4	5
Caustic Soda (Selid) indigenous.	Port towns of Bombay Rs. 40-6-0 f.o.r. per cwt. Calcutta Rs. 40-2-0 f,o.r. per cwt. Madras Rs. 40-4-0 f.o.r. per cwt. Other places in India :—	The price specified in column *2 plus* handling charges not exceeding As. 8 per cwt.	The price specified in column *3 plus* a margin not exceeding As. 8 per cwt.	The price specified in column *4 plus* a margin notexceeding Rs. 1-12-0 per cwt.
	Ex-factory ... Rs. 40-2-0 per cwt. f.o.r. nearest railway station to factory.	The price specified in col, 2 *plus* (a) actual railway freight by goods train from the railway station nearest to factory to the place of destination, and (b) handling charges not exceeding As. 8 per cwt.	The price specified in col. *3 plus* a margin not exceeding As. 8 per cwt.	The price specified in col. *4 plus* a margin not exceeding Rs. 1-12-0 per cwt.

S. K. DUTTA,
Deputy Secretary to the Government of India.

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NOTIFICATION.

No. L.D. 499—Legis. 5-51-7, dated Bangalore, the 28th May 1951.

Ordered that the accompanying S.R.O. No. 637, dated 10th April 1951, of the Ministry of Rehabilitation, amending the Permit System Rules, 1949, published in the *Gazette of India*, Part II, Section 3, dated the 5th May 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF REHABILITATION.

New Delhi, the 10th April 1951.

S.R.O. 637.—In exercise of the powers conferred by section 4 of the Influx from Pakistan (Control) Act, 1949, (XXIII of 1949), the Central Government hereby directs that the following further amendment shall be made in the Permit System Rules, 1949, namely :—

In rule 29 of the said rules, after sub-rule (4), the following sub-rule shall be inserted, namely :—

"(5) Notwithstanding anything contained in sub-rule (4) the authority cancelling a permit may at any time direct that the person whose permit is cancelled shall be taken into custody and expelled from India."

[No III/PMT(X-105)/50-N(3).]

V. D. DANTYAGI, Joint Secy.

NOTIFICATION.

No. L.D. 500—Legis. 6-51-5, dated Bangalore, 28th May 1951.

Ordered that the accompanying Notifications No. 40-5— 0-G.3 and No. F. 40-5—50-G.3., dated the 10th May 1951 of the Ministry of Education under the Vishva-Bharati Act, 1951, published in the *Gazette of India*, Part I, Section 1, dated the 12th May 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF EDUCATION.

New Delhi, the 10*th May* 1951.

No. 40-5—50-G.3.—In exercise of the powers conferred by sub-section (2) of section 1 of the Vishva-Bharati Act, 1951 (29 of 1951), the Central Government hereby appoints the 14th day of May 1951 as the day on which the said Act shall come into force.

No. F. 40-5—50-G.3.—In exercise of the powers conferred by section 4 of the Vishva-Bharati Act, 1951 (29 of 1951), the Central Government is pleased to appoint the Hon'ble Shri Jawaharlal Nehru as the first Acharya (Chancellor) and Sri Rathindranath Tagore as the first Upacharya (Vice-Chancellor) of the Vishva-Bharati (Universtiy) with effect from the 14th day of May 1951.

HUMAYUN KABIR, Joint Secy.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-B.

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

Order No. 524—Legis. 33-51-1, Bangalore, dated 31st May 1951.

Ordered that the accompanying Mysore Town Municipalities Act, 1951, which received the assent of His Highness the Maharaja, on the 27th day of May 1951, be published as Act No. XXII of 1951, in the *Mysore Gazette* for general information.

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MYSORE ACT No. XXII OF 1951.

THE MYSORE TOWN MUNICIPALITIES ACT, 1951.

ARRANGEMENT OF SECTIONS.

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SCHEDULES I TO XIII.

MYSORE ACT, No. XXII OF 1951.

THE MYSORE TOWN MUNICIPALITIES ACT, 1951.

(Received the assent of His Highness the Maharaja of Mysore on the 27th day of May 1951)

An Act to consolidate and amend the law relating to the management of municipal affairs in Towns in the State of Mysore.

WHEREAS it is expedient to consolidate and amend the law relating to the management of municipal affairs in Towns in the State of Mysore; Preamble.

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Mysore Town Municipalities Act, 1951. Short Title and commencement.

(2) It extends to the whole of the State of Mysore.

(3) This section shall come into force at once and the other provisions of this Act shall come into force on such date as the State Government may, by notification in the *Mysore Gazette*, appoint in this behalf.

2. On this Act coming into force, the Mysore Town Municipalities Act, 1933, and the Mysore Minor Municipalities Act, 1933, shall stand repealed: Repeal of Mysore Acts VIII and IX of 1933.

Provided that—

(*a*) the said repeal shall not affect the validity of anything already done under the said Acts;

(*b*) all minor and town municipalities constituted, municipal councillors appointed or elected, committees established, limits defined, appointments, rules, orders and bye-laws made, notifications and notices issued, taxes and rates imposed, contracts entered into, and suits and other proceedings instituted, under the said Acts or under any Acts thereby repealed, shall continue in force and be deemed to have been respectively constituted, appointed, elected, established, defined, made, issued,

imposed, entered into and instituted under this Act, until superseded by or under the provisions of this Act;

(c) any enactment in force in Mysore, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

Definitions.

3. In this Act, unless there be anything repugnant in the subject or context—

(1) "annual letting value" shall mean the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon, might reasonably be expected to be let from year to year;

(2) "building" shall include a house, out-house, stable, latrine, shed, hut, wall, verandah, fixed platform, plinth, doorstep, staircase and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever;

(3) "Commissioner" shall mean the Commissioner for Local Self-Government appointed by the Government;

(4) "councillor" shall mean any person who is legally a member of a municipal council;

(5) "dangerous disease" shall mean cholera, plague, small-pox, and any endemic, epidemic, or infectious disease by which the life of man is endangered and any other disease notified by the Government as a dangerous disease;

(6) "Election Commissioner" shall mean the Subordinate Judge having jurisdiction over the area within which the election has been or should have been held and includes any other Judge specially appointed in this behalf by the Government;

(7) "Government" shall mean the State Government.

(8) "Judge" shall mean District Judge, Judge of a Court of Small Causes, Subordinate Judge or Munsiff;

(9) "land" shall include land which is built upon or covered with water;

(10) "municipal council" shall mean the council of a town municipality;

(11) "municipality" shall mean any local area which, at the commencement of this Act, is a town or minor municipality and any local area which may hereafter be constituted or declared as a town municipality under sections 4 and 5, if such municipality has not ceased to be a town or minor municipality;

(12) "nuisance" shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property;

(13) "occupier" includes any person for the time being paying or liable to pay to the owner, the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building or part and also a rent-free tenant;

(14) "official year" shall mean the year commencing on the first day of April;

(15) "owner" shall include the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account, or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant:

Provided that no person receiving the rent of any land or building as agent or trustee for another person shall be liable to do anything by this Act required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he has funds of, or due to, the owner sufficient to pay for the same; nor shall he be subject to any penalty fo omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of, or due to, the owner sufficient to defray the expense of doing the act required;

(16) "prescribed" means prescribed by any rule by the Government under this Act;

(17) "private street" means any street, road, square, court, alley, passage or riding path, which is not a 'public street,' but does not include a pathway made by the owner

of a premises on his own land to secure access to or the convenient use of such premises;

(18) "Public securities" shall mean—

(*a*) securities of the Government of India,

(*b*) securities of the Government of Mysore, or of any other State Government,

(*c*) debentures or other securities for money issued by or on behalf of any local authority in exercise of the powers conferred by a law in force in the State, or

(*d*) a security expressly authorized by any order which the Government makes in this behalf;

(19) "public street" means any street, road, square, court, alley, passage or riding path over which the public have a right of way, whether a thoroughfare or not and includes—

(*a*) the roadway over any public bridge or causeway;

(*b*) the footway attached to any such street, public bridge or causeway;

(*c*) the drains abutting to any such street, public bridge or causeway and the land, whether covered or not by any pavement, verandah, or other structure, which lines on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to the Government or the municipal council; and

(*d*) any street which, under any provision of this Act, becomes a public street;

(20) "salaried servant of the Government" shall not include a retired servant of the Government in receipt of a pension, or a person in receipt of a salary from the Government who is not a full-time servant of the Government;

(21) "tax" shall include any toll, rate, cess, fee or other impost leviable under this Act;

(22) "vehicle" shall include bicycles, tricycles, automotor cars and every wheeled conveyance which is used or is capable of being used on a public street;

(23) "whole number" shall mean, when used with reference to the councillors of a municipal council, the total number of councillors holding office at the time.

CHAPTER II.

CONSTITUTION OF MUNICIPAL COUNCILS.

(1) *Municipalities.*

4. (1) Subject to the provisions of sections 6 and 7, the Government may, from time to time, by notification in the *Mysore Gazette*, declare any local area to be a town municipality, and may, from time to time, by a like notification, extend, contract or otherwise alter the limits of any such municipality, or declare that any local area shall, from a date to be specified in the notification, cease to be a municipality.

Delimitation of town municipalities.

(2) Every such notification constituting a new town municipality, or altering the limits of an existing town municipality, shall clearly set forth the local limits of the area to be included in or excluded from such municipality, as the case may be.

Limits to be specified in notifications.

(3) It shall be the duty of the municipal council in every town municipality in existence at the commencement of this Act and of every town municipal council newly constituted under this Act, and of every town municipal council whose local limits are altered as aforesaid, to cause, at its own cost, to be erected or set up, if and when so required by the Commissioner or the Deputy Commissioner of the District and thereafter to maintain, at its own cost, substantial boundary marks of such description and in such positions as shall be approved by the Commissioner or Deputy Commissioner, defining the limits or the altered limits of the municipality subject to its authority, as set forth in the notification.

Erection and maintenance of boundary marks.

(4) When any local area ceases to be a municipality, the municipal council constituted therein shall cease to exist, and the property and rights vested in any such municipal council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such municipal council had jurisdiction.

Property and rights of municipal council which has ceased to exist to vest in Government.

5. (1) The Government may, at any time after consulting the municipal council concerned and considering objections, if any, declare by notification in the *Mysore Gazette* that a city municipality as defined in the Mysore City

Conversion of city municipalities into town municipalities.

Municipalities Act, 1933, shall, with effect from a date to be specified in the notification, be deemed to be a town municipality constituted under this Act and may, at any time, cancel such declaration.

(2) The provisions of the Mysore City Municipalities Act, 1933, shall not apply to any municipality declared as a town municipality under sub-section (1) with effect from the date specified in the declaration.

(3) Any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued or imposed under the Mysore City Municipalities Act, 1933, in respect of a municipality declared as a town municipality, so far as is not inconsistent with the provisions of this Act, and any appointment, notification, order, scheme, rule, bye-law or form made or issued under any other law in respect of such municipality shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Act or of such other law in respect of the town municipality constituted by such declaration unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made or issued under this Act or such other law.

(4) Before any city municipality is constituted into a town municipality, the procedure prescribed in section 7 shall, as far as may be, be followed.

(5) The property, rights and liabilities of the municipal council of a municipality declared as a town municipality under sub-section (1) shall vest in the municipal council of the municipality with effect from the date specified in the notification.

What local areas may be declared to be town municipalities.

6. (1) Any local area which comprises—

(*a*) a town or station or two or more neighbouring towns and stations, with or without any village suburb, or land, adjoining thereto, or

(*b*) a village or suburb or two or more neighbouring villages and suburbs,

may be declared a town municipality:

Provided that, except for exceptional reasons, which shall be clearly set forth in the proclamation under

section 7 and in the notification issued under section 4, it shall not be lawful—

(i) to include any town, station or suburb in a town municipality with any other town, station or suburb from which it is separated by an extent of more than two miles of land unoccupied by houses ; or

(ii) to constitute any town municipality in any area of which the population is less than three thousand. This shall not however apply to any local area or areas of whatever population, declared as a Town or Minor Municipality under the Mysore Town Municipalities Act, 1933, and the Mysore Minor Municipalities Act, 1933.

Naming of municipalities comprising two or more places.

(2) When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.

Town municipalities.

7. (1) Not less than two months before the publication of any notification declaring any local area to be a town municipality, or altering the limits of any such municipality or declaring that any local area shall cease to be a town municipality, the Government shall cause to be published in the *Mysore Gazette*, in English and Kannada, and to be posted up in conspicuous places in the said local area in Kannada, a proclamation announcing that it is proposed to constitute such local area to be a town municipality, or to alter the limits of the municipality in a certain manner, or to declare that such local area shall cease to be a municipality, as the case may be, and requiring all persons who entertain any objection to the said proposal to submit the same, with the reasons therefor, in writing to the Commissioner within two months from the date of the said proclamation, and whenever it is proposed to add to or exclude from a municipality any inhabited area, it shall be the duty of the municipal council also to cause a copy of such proclamation to be posted up in conspicuous places in such area.

(2) The Commissioner shall, with all reasonable despatch, forward every objection so submitted to the Government.

(3) No such notification as aforesaid shall be issued by the Government unless the objections, if any, so submitted are, in its opinion, insufficient or invalid.

(2) *Municipal Councils.*

Constitution and incorporation of town municipal councils.

8. In every municipality, there shall be a municipal council, and every such municipal council shall be a body corporate by the name of "the municipal council of—," and shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

Constitution of Municipal councils.

9 (1) The municipal council shall consist of such number of councillors as indicated in the following table:—

	Number of Councillors.
Municipalities with a population—	
Not exceeding 10,000 at the last census ...	15
Exceeding 10,000 at the last census ...	20

All the Councillors to be elected.

(2) Subject to the provisions of section 10, all the councillors of every municipality shall be elected.

Reservation of seats for Scheduled Castes.

(3) Seats shall be reserved in municipal council for the Scheduled Castes. The number of such seats shall bear, as nearly as may be, the same proportion to the total number of seats in the municipal council as the population of the Scheduled Castes in the municipality bears to the total population in the municipality:

Provided that at least one seat shall be reserved in a municipal council for the Scheduled Castes:

Provided further that this sub-section shall cease to have effect after ten years from the commencement of this Act:

Provided further that the second proviso to this sub-section shall not affect any representation in a municipal council until the expiry of the term of office of its members.

Members of Scheduled Castes may stand for election to non-reserved Seats.

(4) Nothing contained in this section shall be deemed to prevent members of the Scheduled Castes for whom seats have been reserved in any municipal council, from standing for election to the non-reserved seats in the council.

Certain officers notified by the Government to attend meetings and speak.

(5) In addition to the councillors referred to in sub-section (1), such persons as from time to time are executing the functions of any office from time to time notified in this behalf by the Government, shall have the right to speak in, and otherwise to take part in the proceedings of the municipal council and any committee of the council, of which they may be named members, but shall not be entitled to move any resolution or to vote.

10. Any vacancy due to failure to elect the full number of councillors and any vacancy due to failure to elect a councillor under section 18 may, notwithstanding anything contained in this Act, be filled up by appointment by the Government.

Appointment by Government when councillor not elected.

11. (1) For the purposes of election of councillors to fill the seats referred to in sub-section (1) of section 9, the municipality shall be divided into 15 or 20 territorial divisions as the case may be, the boundaries of which shall be fixed by the municipal council and approved by the Commissioner by notification in the *Mysore Gazette.*

Territorial divisions for elections.

(2) The Commissioner may, after consultation with the municipal council concerned, by notification in the *Mysore Gazette,* alter the boundaries of any such division.

(3) For each of the territorial divisions, only one councillor shall be elected.

12. (1) Every person of either sex who has attained the age of 21 years in the official year preceding that in which the electoral roll is published and who is not otherwise disqualified under this Act shall be included in the electoral roll as qualified to vote at the election for any of the divisions referred to in sub-section (1) of section 11.

Qualification for enrolment in the electoral roll.

(2) No person shall be included in such electoral roll as qualified to vote at such election unless he has resided in such division for one hundred and eighty days in the aggregate in the official year preceding that in which the electoral roll is published:

Provided that a person shall not be deemed to be disqualified under this sub-section if he is employed in the town municipality and non-residence in the division for the period aforesaid is due to his absence on leave out of the State.

Explanation.—For the purpose of this sub-section, no person shall be deemed to reside in more than one division.

13. (1) When, in accordance with the rules made under clause (*b*) of sub-section (2) of section 208, a list of voters has been prepared or revised, a copy thereof signed by such person as may be designated in this behalf in the rules aforesaid, shall be the municipal electoral roll. The electoral roll shall come into force from the date of its

Operation of lists.

publication and shall continue in force for a period of four years or for such less period, if any, as the Government may by order direct in any case, and after the expiration of such period, a new electoral roll shall be published:

Provided that—

(*a*) in the case of an election held after an electoral roll has ceased to have force and before the publication of the new electoral roll, the old electoral roll shall continue to operate as the electoral roll;

(*b*) at any time any person whose name is not in the electoral roll and who claims to have it enrolled may apply to the prescribed authority to enter his name therein and the prescribed authority shall enter in the electoral roll the name of every such person whose claim is proved to its satisfaction;

(*c*) the prescribed authority shall at any time expunge from the electoral roll the name of every person proved to its satisfaction to be dead or no longer to possess the qualification of a voter and may likewise correct any clerical error or omission in the electoral roll after affording the person affected an opportunity of being heard;

(*d*) no change in the electoral roll shall be made under provisos (*b*) and (*c*) within one month preceding the date fixed for an election.

Right to vote to depend on entry in roll.

(2) At every election of councillors, every person enrolled in the municipal electoral roll as for the time being in operation under sub-section (1), shall be deemed to be entitled to vote, and every person not so enrolled shall be deemed to be not entitled to vote.

Enrolment in municipal electoral roll necessary for election as councillor.

(3) A person shall not be qualified to be elected as councillor unless he is enrolled in the municipal electoral roll and a person who is already a councillor shall not be qualified to be a candidate at a bye-election held before his term of office as councillor, expires.

(3) *Municipal Councillors.*

General disqualifications for becoming a councillor.

14. (1) (A) No person shall be qualified for being chosen as, and for being, a councillor—

(*a*) (i) who has been sentenced by a criminal court to transportation or to imprisonment for an offence punishable with imprisonment for a term exceeding six months, provided that (1) the offence is not of a political character or is one which involves

moral turpitude (2) such sentence has not been reversed or quashed or the offence pardoned, or

(ii) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(iii) who holds any office of profit under the Government of India or the Government of any State specified in the First Schedule to the Constitution of India, or

(iv) who has been dismissed from municipal, district board or Government service,

(v) if, having been a legal practitioner, he has been dismissed or is under suspension by order of a competent court, the disqualification in the latter case being operative during the period of such suspension, or

(vi) who has been removed from office under section 16 of this Act or section 14 of the Mysore City Municipalities Act, 1933, or

(*b*) who is of unsound mind and stands so declared by a competent court, or

(*c*) who is an undischarged insolvent, or

(*d*) who is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State, or

(*e*) who is less than twenty-five years of age; and

(B) No person—

(*a*) who is a subordinate officer or servant of a municipal council, district board, panchayet or Government or

(*b*) who, save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by or on behalf of a municipal council, or

(*c*) who is employed as paid legal practitioner on behalf of a municipal council or accepts employment as legal practitioner against a municipal council,

may be a member of such municipal Council:

Provided that—

(*a*) the disqualification in sub-clause (ii) of clause (A)—(*a*) will cease to operate after the expiry of the period during which a person is ordered to furnish security;

(*b*) the disqualification in sub-clauses (i), (iv) and (vi) of clause (A) (*a*) will cease to operate after the expiry of four years from the date of such sentence, dismissal, or removal or earlier by an order of the Government;

(*c*) a person shall not be deemed to have incurred disqualification under clause (B) (*b*) by reason of his—

(i) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or

(ii) having a share or interest in any joint-stock company otherwise than as a managing director or agent or in any literary association registered under the Societies Registration Act, 1904, or in any society registered under the Mysore Co-operative Societies Act, 1948, which shall contract with or be employed by, or on behalf of, the municipal council, or

(iii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the municipal council may be inserted, or

(iv) holding a debenture or being otherwise interested in any loan raised by, or on behalf of the municipal council, or

(v) having a share or interest in the occasional sale of any article in which he regularly trades, to the municipal council to a value not exceeding in any one official year, such amount as the municipal council, may fix in this behalf, or

(vi) having a share or interest in the occasional letting out on hire to the municipal council, or in the hiring from the municipal council, of any article for an amount not exceeding in any official year fifty rupees or such higher amount not exceeding five hundred rupees as the municipal council may fix in this behalf.

If any person is elected as a councillor in contravention of these provisions, his seat shall be deemed to be vacant:

Provided that nothing in this section shall invalidate the election if the disqualification is such as could have been brought to the notice of the Returning Officer at the time of or before the scrutiny of the nomination papers and has not been so brought to his notice.

(2) If any councillor during the term for which he has been elected or appointed—

Disabilities from continuing to be a councillor.

(*a*) becomes subject to any disqualification specified in sub-section (1), or

(*b*) votes or takes part as a councillor in the discussion of any matter—

(i) in which he has directly, or indirectly, by himself or his partner, any such share or interest as is described in sub-clauses (i), (ii), (iii) or (v) of clause (c) of the proviso to sub-section (1), whatever may be the value of such share or interest, or

(ii) in which he is professionally interested on behalf of a principal or other person, or

(iii) in which he is engaged at the time in any proceeding against the municipal council, or

(*c*) absents himself from the meetings of the municipal council, during three successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or

(*d*) fails to pay any arrears of taxes due by him to the municipal council within three months after a special notice in this behalf has been served upon him,

he shall be disabled from continuing to be a councillor and his office shall become vacant.

A councillor whose office has become vacant under this sub-section shall, if his disability has ceased, be eligible for re-election or re-appointment.

Power of Government to decide whether vacancy has occurred.

(3) If any question or dispute arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question or dispute.

Resignation.

15. A councillor may resign his membership and a vice-president may resign his office as vice-president by giving notice in writing to that effect to the president and such resignation shall take effect from the date of the receipt of the notice. The president may resign his membership or his office as president by giving notice in writing to that effect to the Deputy Commissioner and such resignation shall take effect on the expiry of ten days from the date of the receipt of the notice.

Liability to removal from office.

16. The Government, if it thinks fit on the recommendation of the municipal council, may remove any councillor elected or appointed under this Act, after giving him an opportunity of being heard and after such enquiry as it deems necessary, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor.

Term of office.

17. Councillors elected at a general election or appointed under this Act shall, save as provided in the next following section, or unless they become in the meantime disabled or are removed from office under section 16, or section 206, hold office for a term of four years, extensible by order of the Government to a term not exceeding in the aggregate five years if, on any occasion, the Government shall think fit, for reasons which shall be notified together with the order in the *Mysore Gazette*, so to extend the same.

Casual vacancies how to be filled up.

18. Where a vacancy occurs through the non-acceptance of office by a person elected or appointed to be a councillor, or through such person being disqualified for becoming a councillor, or through any election being set aside under the provisions of sub-section (2) of section 20 or through the death, resignation, removal or disability of a councillor previous to the expiry of his term of office, the vacancy shall be filled up, within a period of three months, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or appointed would have held office if the vacancy had not occurred.

19. The names of persons elected or appointed as the case may be as President, Vice-President and Councillors of municipal councils shall be notified in the *Mysore Gazette.*

Notification of names of persons elected.

(4) *Municipal Elections.*

20. (1) At any time within ten days after the date of the declaration of the result of an election of a councillor, any candidate who stood for election or any ten persons qualified to vote at that election, may apply, together with a deposit of fifty rupees as security for costs to the Election Commissioner appointed by the Government in this behalf for the determination of the validity of the election.

Determination of validity of elections, enquiry by judge procedure.

(2) The Election Commissioner may, after such enquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purpose of the said enquiry, the said Election Commissioner may summon or enforce the attendance of witnesses and compel them to give evidence as if he were a civil court and he may also direct, by whom the whole or any part of the costs of such enquiry shall be paid. If the costs are to be paid by the candidate whose election is contested, the whole of such costs and if the costs are to be paid by the petitioner or petitioners, such portion, if any, of the costs as is in excess of the sum paid at the time of the presentation of the application, shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure. The Code of Civil Procedure shall, as far as possible, be followed in such enquiries. An appeal shall lie to the High Court from the order of the Election Commissioner, provided it is only on a point of law and is preferred within one month from the date of such order, exclusive of the time requisite for obtaining a copy of the order. If the Election Commissioner sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh election.

(3) (*a*) The Election Commissioner, if satisfied that a candidate has, within the meaning of sub-section (4), committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

Declaration in case of corrupt practice by a candidate.

Scrutiny of votes and declaration in other cases.

(*b*) If in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Election Commissioner shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected :

Provided that, for the purpose of such computation, no vote shall be reckoned as valid if the Election Commissioner finds that any corrupt practice was committed by any person known or unknown, in giving or obtaining it.

What is a corrupt practice ?

(4) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section—

(*i*) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or

(*ii*) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

Candidate when deemed to have committed corrupt practice.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Promise of individual profit.

Explanation.—A "promise of individual profit" includes a promise for the benefit of the person himself, or of any one in whom he is interested. It does not include a promise to vote for or against any particular municipal measure.

Mere irregularities and informalities not to invalidate election.

(5) If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrying out the rules made under clause (*b*) of sub-section (2) of section 208 or of an irregularity or informality not corruptly caused, the Election Commissioner shall not set aside the election.

Explanation.—The expression 'error' in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Act or rules made thereunder whereby the result of election has been materially affected.

(6) If the Election Commissioner sets aside an election under clause (*a*) of sub-section (3) he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate for the office of a councillor or president or both in that or any other municipality constituted under this Act or the Mysore City Municipalities Act, 1933, or the City of Bangalore Corporation Act, 1949 or for the office of a member or president or vice-president in a District Board or of a member or chairman in a village panchayet for a term of years not exceeding seven and the Election Commissioner's decision shall be conclusive :

Disqualification of candidate for corrupt practice.

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made :

Provided further that such person may, by an order which the Government is hereby empowered to make, if it shall think fit, in that behalf, be at any time relieved from such disqualification.

21. No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment or removal of a councillor, president or vice-president, unless such suit is authorised by the provisions of this Act or any rule made under this Act.

Bar of suits relating to elections, etc.

(5) Municipal Government.

22. Except as in this Act otherwise expressly provided, the municipal Government of a municipality vests in the municipal council.

Municipal Government to vest in municipal council.

(6) Presidents and Vice-Presidents.

23. (1) For every municipal council, there shall be a president, and if and whenever the municipal council so desires, a vice-president.

Every municipal council to have a president and if the municipal council so desires a vice-president.

(2) The President shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

President to be elected.

Vice-president to be elected.

(3) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

Appointment of president or vice-president by the Government.

(4) If any municipal council fails to elect a president or vice-president within such reasonable time as may be specified in a notice issued by the Government in this behalf, the president or vice-president, as the case may be, may be appointed by the Government.

When Deputy Commissioner and Amildar may perform functions of President.

(5) During a vacancy in the office of the president of a municipal council and when there is no vice-president to take his place, the Deputy Commissioner or the person performing the duties of the Deputy Commissioner for the time being or any officer nominated by him in this behalf not below the rank of an Assistant Commissioner in the case of municipalities at district headquarters or the Amildar or the person performing the duties of the Amildar for the time being in the case of other municipalities shall, notwithstanding anything contained in this Act or in the rules or notifications issued thereunder, perform the functions of the president.

Consequence of absence of president or vice-president without leave.

(6) Every president who, for a period exceeding two months and every vice-president who for a period exceeding one month, absents himself from the municipality in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president or vice-president, unless leave so to absent himself has been granted by the municipal council.

Limit of grant of leave and arrangements during leave.

(7) Leave under the last preceding sub-section shall not be granted for a period exceeding six months. Whenever leave is granted to a president and there is no vice-president for the council or the office of the vice-president is vacant, the vacancy shall be filled up by election by the council from among the councillors within such period and in such manner as may be prescribed. If the council fails to elect the president, the Government may fill up the vacancy. When leave is granted to a vice-president or when the vice-president is acting for the president, the vacancy in the office of the vice-president may be filled up by election of some other councillor thereto.

Vacation of office by vice-president on becoming president.

(8) If a vice-president of a municipal council is elected or appointed as president of the council, he shall be deemed to have vacated his office as vice-president.

(9) Every president and every vice-president of a municipal council shall forthwith be deemed to have vacated his office if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose :

Vacation of office by president and vice-president for want of confidence.

Provided that no such resolution shall be moved unless notice of the resolution is signed by not less than one-third of the whole number of councillors and at least fifteen days' notice has been given of the intention to move the resolution.

(10) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts.

Removal of presidents and vice-presidents.

Explanation.—A person may be presumed to be unable to pay his debts if he is under arrest or imprisonment in execution of the decree of any court for the payment of money.

(11) The term of office of every president and of every vice-president shall, save as otherwise provided in this Act, cease on the expiry of two years from the date of his election, provided that in the meantime he does not cease to be a councillor.

Term of office of president and vice-president.

(12) In the event of the non-acceptance of office, death, resignation or removal from office of a president or vice-president or of his election being void, or of his becoming incapable of acting in such office or having ceased to be a councillor under sub-section (2) of section 14, previous to the expiry of his term of office as president or vice-president, the vacancy shall be filled up by appointment or election, as the case may be, in accordance with the provisions of the foregoing sub-sections. For all the vacancies which are not otherwise provided for, the Government may appoint any person to perform all the duties and exercise all the powers of a president or vice-president during such vacancy.

Vacancies in their office how to be filled up.

(13) The president or vice-president of any municipal council may receive out of the municipal fund such monthly allowances as such municipal council may sanction from time to time with the approval of the Government.

Remuneration of president and vice-president of municipal council.

Functions of presidents.

24. (1) Subject to the provisions of chapter XIII, it shall be the duty of the president of a municipal council to—

(*a*) preside, unless prevented by reasonable cause, at all meetings of the municipal council and subject to the provisions of the rules for the time being in force under clause (*a*) of section 46, to regulate the conduct of business at such meetings;

(*b*) watch over the financial and executive administration of the municipal council;

(*c*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under and in accordance with this Act;

(*d*) subject to the provision of section 35 and of the rules for the time being in force, perform such other executive functions as may be performed by or on behalf of the municipal council over which he presides;

(*e*) exercise supervision and control over the acts and proceedings of all officers and servants of the municipal council in matters of executive administration and in matters concerning the accounts and records of the municipal council; and, subject to the rules for the time being in force, to dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;

(*f*) furnish to the Commissioner or to such other officer as the Commissioner shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the municipal council; and

(*g*) furnish any extract from the minutes of the proceedings of the municipal council or of any committee or other document or thing which the Commissioner or the officer authorised by the Commissioner in this behalf from time to time calls for under section 197.

(2) In a municipality for which there is no Executive Officer, the president shall, notwithstanding anything contained in Chapter XIII and independently of such

executive functions as are allotted to him by, or delegated to him under any other provision of this Act, exercise all the powers that may be exercised by an Executive officer in the municipality.

25. The president shall be responsible for the custody of all records of the municipal council including all papers and documents connected with the proceedings of the council and all the committees, and shall arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose. Custody of records.

26. (1) It shall be the duty of the vice-president of a municipal council to exercise such of the powers and perform such of the duties of the president as the president from time to time delegates to him in accordance with the general or special orders of the Government issued in this behalf. Functions of vice-presidents.

(2) It shall be the duty of the vice-president—

(*a*) in the absence of the president and unless prevented by reasonable cause, to preside at the meetings of the municipal council, and he shall, when so presiding, exercise the same authority as is vested in the president under clause (*a*) of sub-section (1) of section 24; and

(*b*) pending the succession, appointment or election of a president, or during the absence of a president on leave, to exercise the powers and perform the duties of the president.

CHAPTER III.

CONDUCT OF BUSINESS.

(1) *Municipal Meetings.*

Provisions in regard to meetings of a municipal council.

27. The following provisions shall be observed with respect to the meetings of a municipal council :—

Ordinary general meetings.

(1) There shall be held an ordinary general meeting in each month for the disposal of general business. It shall be the duty of the president to fix the dates for all ordinary general meetings.

Special general meetings.

(2) The president may, whenever he thinks fit, and shall upon the written request of not less than one-third of the whole number of councillors and for a date not more than fifteen days after the presentation of such request, call a special general meeting. If the president fails to call a special general meeting as provided in this sub-section, the vice-president or one-third of the whole number of councillors may call such meeting for a day not more than thirty days after the presentation of such request.

Notice to be given of meetings.

(3) Seven clear days' notice of an ordinary general meeting, and three clear days' notice or in cases of great urgency, notice of such shorter period as is reasonable of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be given to the councillors, and posted up at the municipal office or some other public building in the municipality. The said notice shall include any motion or proposition which a councillor shall have given written notice, not less than ten days previous to the meeting, of his intention to bring forward thereat and, in the case of a special general meeting, any motion or proposition mentioned in any written request made for such meeting :

Provided that the motion or proposition of which a councillor or councillors shall have given notice shall relate to matters connected with the municipal administration and shall not be inconsistent with the provisions of this Act.

(4) Every meeting of a municipal council shall, except for reasons to be specified in the notice convening the meeting, be held in the building used as a municipal office by such municipal council.

Meetings to be held at municipal office.

(5) Every meeting shall, in the absence of both the president and the vice-president, be presided over by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion, and such chairman shall exercise thereat the powers vested in the president by clause (*a*) of sub-section (1) of section 24.

Meeting how presided over in the absence of the president and vice-president.

(6) Every meeting shall be open to the public unless the presiding authority deems any enquiry or deliberation pending before the municipal council such as should be held in private:

Meeting must ordinarily be open to the public.

Provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

(7) If less than one-third of the whole number of councillors be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall, after waiting for thirty minutes, adjourn the meeting to such hour on the following or some other future day as he may reasonably fix, and a notice of such adjournment shall be fixed up in the municipal office, and the business which should have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting, provided that not less than one-fourth of the whole number of councillors be present. Any subject not disposed of at such an adjourned meeting shall be deemed to have lapsed and may be brought up before the next ordinary general meeting, or if necessary or expedient, at a special general meeting.

Number of councillors required to form a quorum.

(8) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any general meeting unless it has been mentioned in the notice convening such meeting, or in the case of a special general meeting in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting, shall be determined by the presiding authority, who in case it is proposed

Business to be transacted at meetings, and order of business how to be settled.

by any member to give priority to any particular item of such business, or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

Minutes of proceedings to be kept.

(9) There shall be kept in Kannada, and if the municipal council so resolves in English, either in lieu of or in addition to Kannada, minutes of the names of the councillors and of the Government officers, if any, present under the provisions of sub-section (16), and of the proceedings at each general meeting, in a book to be provided for this purpose, which shall be signed, by the presiding authority of such meeting, and shall at all reasonable times be open to inspection by any voter of the municipality.

All questions must be decided by a majority of votes.

(10) All questions shall be decided by a majority of votes of the councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes. Votes shall be taken and results recorded in such manner as may be prescribed by rules in that behalf for the time being in force under clause (*a*) of section 46.

Councillor not to vote on questions in which he has pecuniary interest.

(11) No councillor shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the council if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary personal interest.

Presiding authority to vacate the chair when he has pecuniary interest in any matter under discussion.

(12) If the presiding authority is believed by any councillor present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on or take part in it. Any other councillor may be chosen or elected to preside at the meeting during the continuance of such discussion.

Adjournments of meetings.

(13) Any general meeting may, with the consent of a majority of the councillors present, be adjourned from time to time to a later hour on the same day or to any other day; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

A notice of such adjournment posted in the municipal office shall be deemed sufficient notice of the adjourned meeting.

(14) No resolution of a municipal council shall be modified or cancelled within three months after the passing thereof, except by a resolution passed by not less than one-half of the whole number of councillors at a general meeting, whereof notice shall have been given, fulfilling the requirements of sub-section (3) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting, and the motion or proposition for the modification or cancellation of such resolution.

Modification and cancellation of resolutions.

(15) Except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed for the municipal council by a Government Executive Engineer, shall be transacted at any meeting of a municipal council unless a letter has been addressed to the said Executive Engineer informing him of the intention to transact such business thereat, and of the motions or propositions to be brought forward concerning such business.

Notice of business to be transacted must in certain cases be given to the Government Executive Engineer.

(16) (*a*) The Executive Engineer, the principal officer of health in the district and any other officer approved and notified by the Government in this behalf, may be present at any meeting of such municipal council and, with the consent of the municipal council, each of them may take part at such meeting in the discussion or consideration of any question, on which, in virtue of the duties of his office, he considers his opinion or the information which he can supply will be useful to such municipal council:

Certain Government officers may attend meetings of municipal councils.

Provided that the said officers shall not be entitled to vote upon any such question.

(*b*) If it shall appear to a municipal council that the presence of the Executive Engineer or the principal officer of health in the district or any other officer approved and notified by the Government in this behalf, is desirable for the purpose aforesaid at any future meeting of such municipal council, it shall be competent to such municipal council, by letter addressed to such officer not less than fifteen days previous to the intended meeting, to require his presence thereat; and the said officer, unless prevented by sickness or other reasonable cause, shall be bound to attend such meeting:

Municipal council may require the presence of certain of the said officers at their meetings.

Provided that such officer on receipt of such letter may, if unable to be present himself, instruct a deputy or assistant or other competent subordinate as to his views and

may send him to the meeting as his representative, instead of appearing thereat in person.

Explanation.—The term "Executive Engineer" in sub-sections (15) and (16) of this section includes the principal engineering officer in the taluk or the district.

Rights and privileges of individual councillors.

28. (1) Any councillor may call the attention of the proper authority to any neglect in the execution of municipal work, to any waste of municipal property or the wants of any locality, and may suggest any improvements which he considers desirable.

(2) Every councillor shall have the right to interpellate the president and to move resolutions on matters connected with the municipal administration, subject to such rules as may be framed by the Government.

(3) Every councillor shall have access to the records of the municipal council after giving due notice to the president, provided that the president may, for reasons given in writing, forbid such access.

(2) *Committees.*

Committees.

29. The municipal council may constitute committees for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them; or may appoint individual councillors or committees, to inquire into and report or advise on any matters which it may refer to them.

When persons other than councillors may serve on committees.

30. Notwithstanding anything contained in this Act, it shall be lawful for the municipal council from time to time, by a resolution supported by not less than one-half of the whole number of councillors, to appoint, as members of any committee under section 29, any persons who are not councillors, but who may, in the opinion of such municipal council, possess special qualifications for serving on such committees, provided that the number of persons so appointed on any committee shall not exceed one-half of the total number of the members of such committee.

Duties, etc., of such persons.

All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall be applicable so far as may be to such persons.

31. (1) The president, if a member of any committee, hall be *ex-officio* chairman thereof.

When Chairman to be *ex-officio*.

(2) The vice-president, if appointed a member of any ommittee of which the president is not a member, shall e *ex-officio* chairman thereof.

(3) The municipal council may appoint a chairman or every committee of which there is no *ex-officio* chairnan.

When no *ex-officio* chairman, municipal council may appoint chairman.

(4) Every committee, of which there is an *ex-officio* hairman or a chairman appointed by the municipal ouncil shall, at each meeting which such chairman does ıot attend, appoint from its members a chairman for uch meeting.

When *ex-officio* or appointed chairman does not attend meeting, committee may appoint chairman of meeting.

(5) Every committee of which there is no *ex-officio* hairman or chairman appointed by the municipal council, hall appoint from time to time a chairman from among its members.

If there is no chairman, *ex-officio* or appointed by the municipal council.

32. (1) The provisions of sub-sections (4), (9), (10) and (16) of section 27 shall be complied with in all proceedings of committees as if meetings of committees were included in all references to meetings of a municipal council contained in those provisions and as if for the words "municipal council" where they occur in the proviso to clause (*a*) of sub-section (16) of section 27, there were substituted the word "committee".

Procedure at meetings.

If the chairman of any committee has been absent from the municipality for a period exceeding fifteen days, the president or vice-president may, in his absence, call a meeting thereof:

Provided that, notwithstanding anything to the contrary contained in sub-section (9) of section 27, committees may record their proceedings either in English or in Kannada as they may think fit.

Committees shall meet when they think proper.

(2) Committees may meet and adjourn as they think proper, but the chairman of a committee may, whenever he thinks fit, and shall, upon the written request of the president of the municipal council or of not less than two members of the committee, and for a date not more than two days after the presentation of such request, call a special meeting of such committee.

Number of members required to form quorum at committee meetings.

(3) No business shall be transacted at any committee meeting unless more than one-third of the members of the committee be present thereat.

Procedure by circular.

33. (1) Notwithstanding anything contained in the preceding section, the chairman of a committee may, instead of convening a meeting, circulate a written proposition of his own, or of any other member of the committee or of an Executive officer of the municipal council, for the observation and votes of the members of the committee.

Propositions when to be sent to Government officers for remarks.

(2) Previous to circulating any such proposition as aforesaid, the chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in sub-section (15) of section 27, shall obtain thereupon the remarks, if any, which any Government officer, not a councillor, whose presence the municipal council would be entitled to require under the provisions of clause (*b*) of sub-section (16) of section 27, desires to record.

Decisions how to be taken on propositions circulated ;

(3) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members of the committee who vote upon it, unless a special meeting is convened to consider the said proposition.

and how to be recorded.

(4) Every decision arrived at by the committee under this section shall be recorded in the minute-book.

Subordination of committees to instructions of municipal council and compliance with requisitions of municipal council.

34. (1) Every committee shall conform to any instructions that may from time to time be given to it by the municipal council ; the municipal council may, at any time, call for any extract from any proceedings of any committee, and for any return, statement or account or report concerning or connected with any matter with which any committee has been authorised or directed to deal, and every such requisition shall, without unreasonable delay, be complied with by the committee so called upon.

(2) Every order passed by a committee appointed inder section 29 shall be subject to revision by, and open o appeal to, the municipal council in accordance with ules that may be framed by the municipal council in his behalf.

Orders subject to revision and appeal.

(3) *Delegation of powers to individuals.*

35. Any powers or duties or executive functions vhich may be exercised or performed by or on behalf of he municipal council may be delegated, in accordance vith rules to be made by the municipal council in this ehalf, to the president or to the vice-president, or to the hairman of any committee, or to one or more stipendiary r honorary officers, but without prejudice to any powers hat may have been conferred on any committee by or inder section 29; and each person, who exercises any ower or performs any duty or function so delegated, may e paid all expenses necessarily incurred by him therein.

Powers, duties and functions may be delegated to officers whose expenses may be paid.

(4) *Validity of Proceedings.*

36. (1) No disqualification of, or defect in the elecion or appointment of, any person acting as councillor, or s the president or presiding authority of a general meeting or as chairman of a committee appointed under this ct, shall be deemed to vitiate any act or proceeding of he municipal council or of any such committee, as the ase may be, in which such person has taken part, whenver the majority of persons, parties to such act or roceeding, were entitled to act.

Acts and proceedings of municipal council and committees not vitiated by disqualifications, etc., of members thereof.

No resolution of a municipal council or any comnittee appointed under this Act shall be deemed invalid n account of any irregularity in the service of notice pon any councillor or member, provided that the proceedings of the municipal council or committee were not rejudicially affected by such irregularity.

(2) Until the contrary is proved, every meeting of he municipal council or of a committee appointed under his Act, in respect of the proceedings whereof a minute as been made and signed in accordance with this Act, hall be deemed to have been duly convened and held, nd all the members of the meeting shall be deemed to ave been duly qualified; and where the proceedings are he proceedings of a committee, such committee shall be

Proceedings of meetings to be good and valid, until the contrary is proved.

deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

Vacancy not to affect municipal council's proceedings.

(3) During any vacancy in a municipal council or committee, the continuing councillors or members may act as if no vacancy had occurred.

(5) *Joint transactions with other Bodies.*

Joint committees of two or more municipal councils.

37. A municipal council may, from time to time, join with any other municipal council constituted under this Act or under the Mysore City Municipalities Act, 1933, or with any district board, or with more than one such municipal council or board,

(*i*) in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of such committee;

(*ii*) in delegating to any such committee, power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies; and

(*iii*) in framing and modifying rules for regulating the proceedings of any such committee relating to the purpose for which the committee is appointed.

If any difference of opinion arises between local bodies acting under this section, the decision thereupon of the Government or of such officer as it appoints in this behalf shall be final.

(6) *Contracts.*

Competency of municipal council to lease, sell and contract.

38. (1) Every municipal council shall be competent subject to the restrictions contained in sub-section (2) to lease, sell or otherwise transfer any moveable or immoveable property which may, for the purposes of this Act, have become vested in or been acquired by it, and so far as is not inconsistent with the provisions and purposes of this Act, to enter into and perform all such contracts as it may consider necessary or expedient in order to carry into effect the said provisions and purposes

(2) In the case of every free grant of immoveable property whatever may be its value or of every grant for an upset price and of every lease for a term exceeding ten years, and of every sale or other transfer of immoveable property exceeding two thousand rupees in value, the previous sanction of the Government is required:

Subject in certain cases to sanction of Government.

Provided that such sanction shall be presumed to have been accorded unless it is refused within a period of three months from the date of receipt by the Government of the recommendation of the municipal council.

(3) In the case—

Sanction by resolution at general meeting requisite to validity of certain contracts.

(*a*) of a lease for a period exceeding one year or of a sale or other transfer, or contract for the purchase of any immoveable property,

(*b*) of every contract which will involve expenditure not covered by a budget grant,

(*c*) of every contract the performance of which cannot be completed within the official year current at the date of the contract,

the sanction of the municipal council by a resolution passed at a general meeting is required.

(4) In the case of a contract for the purchase of moveable property, or for the sale of any moveable property belonging to a municipal council, if the expenditure which the purchase would involve, or the value of the property to be sold as estimated in the municipal accounts exceeds one thousand rupees, the sanction of the municipal council is required.

Sanction of municipal council when requisite in other cases.

(5) Before any contract for the supply of materials or goods or for the execution of any work which will involve an expenditure exceeding five hundred rupees is entered into, tenders shall be publicly invited in such manner as may, from time to time, be determined by the municipal council from persons willing to enter into such contract and, when the estimated value exceeds ten thousand rupees, no such contract shall be entered into without the previous approval of the Government or of an officer duly authorised by the Government in this behalf.

When tenders should be invited.

(6) In the case of every contract not otherwise provided for in the preceding sub-sections of this section, the sanction of such committee, or of such individual as under the provisions of this Act or of the rules for the time

Sanction by committees and individuals empowered.

being in force thereunder, is empowered in this behalf, is required.

Mode of executing contracts.

(7) Every contract entered into by or on behalf of a municipal council, other than a contract to which sub-section (6) applies, shall be in writing, and shall be signed by the president or vice-president and two other councillors, and shall be sealed with the common seal of the municipal council. Every contract to which sub-section (6) applies shall be executed by the chairman of such committee or by such other individual, as is empowered in that behalf, in such manner and form as according to the law for the time being in force, would bind such chairman or individual if such contract were executed by him on his own behalf.

Invalidity of contracts unless requirements of this section are fulfilled.

(8) No contract shall be binding on a municipal council unless the requirement of this section shall have been complied with.

(9) The provisions of this section shall be subject to the provisions of section 52 and Chapter XII.

Contracts by officers appointed by Government to execute municipal works and payment for such works.

39. Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of a municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such works into execution, to the extent of the sum provided for such work; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

(7) Compulsory acquisition of land.

Acquisition of land.

40. When any land, whether within or without the limits of the municipality, is required for the purposes of this Act, the Government may, at the request of the municipal council, proceed to acquire it under the provisions of the Mysore Land Acquisition Act, 1894, and, on payment by the municipal council, of the compensation awarded under the Act and of any other charges incurred by the Government in connection with the acquisition the land shall vest in the municipal council.

(8) *Liabilities of councillors, officers and servants.*

41. (1) Except as herein otherwise provided, no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of, the municipal council; the municipal fund shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

(2) Every councillor shall be liable for the misapplication of any money or other property owned by or vested in the municipal council, to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, the vice-president, the executive officer or other officer or person to whom executive powers are delegated or on whom such powers are conferred by or under this Act shall be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect or has been caused or facilitated by his misconduct.

Liability of president, vice-president and members for loss, waste or misapplication.

42. (1) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of, a municipal council, or in any employment with, under, by, or on behalf of, a municipal council other than as a municipal officer or servant, shall be disqualified for being an officer or servant of such municipal council.

Officer or servant of any municipal council not to be interested in any contract with such municipal council.

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid, shall cease to be a municipal officer or servant and his office shall become vacant.

Effect of acquiring such interest.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, under, by, or on behalf of, a municipal council as, under sub-clauses (i), (ii), and (iv) of clause (*c*) of the proviso to sub-section (1) of section 14, it is permissible for a person to have, without his being thereby disqualified for being a councillor.

Saving clause.

Penalty for councillor, officer or servant of a municipal council being interested in any contract, etc., with that municipal council.

43. (*a*) Any councillor who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, under, by or on behalf of, a municipal council of which he is a member, not being a share or interest such as, under section 14, it is permissible for a person to have, without being thereby disqualified for being a councillor, and

(*b*) any municipal officer or servant who knowingly acquires, directly or indirectly, any share or interest in any contract, or except in so far as concerns his own employment as municipal officer or servant, in any employment with, under, by, or on behalf of, a municipal council of which he is an officer or servant, not being a share or interest such as under sub-clauses (i), (ii) and (iv) of clause (*c*) of the proviso to sub-section (1) of section 14, it is permissible for a person to have, without being thereby disqualified for being a councillor,

shall be liable, on conviction before a criminal court, to a fine which may extend to five hundred rupees.

Notice to sweepers and scavengers before discharge.

44. In the absence of a written contract to the contrary, every sweeper or scavenger employed by the municipal council shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged by the municipal council for misconduct or was engaged for a specified term and discharged at the end of it.

Councillors, etc., to be deemed public servants.

45. (1) Every councillor, officer or servant of a municipality, every auditor appointed under section 189 and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessees shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The word "Government" in the definition of "legal remuneration" in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include a municipal council.

CHAPTER IV.

RULES AND BYE-LAWS.

46. (1) The Government shall, as soon as may be, make rules, not inconsistent with this Act,— Government to make rules.

(*a*) regulating the conduct of business and the delegation of any of the powers or duties and the appointment and constitution of committees of a municipal council; Regulating the conduct of business.

(*b*) (i) determining the executive functions to be performed by the president, vice-president, the chairman of any committee, or the executive officer and the delegation of any of its powers or duties to such persons; Fixing the functions of the president and the establishment.

(ii) determining the staff, of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees and absentee or other allowances of such officers and servants, and the powers and duties delegated to them under section 35;

(*c*) generally for the guidance of the officers and servants of a municipality in all matters relating to its administration; For general guidance of municipal servants;

(*d*) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security; Fixing the amount of the security to be furnished;

(*e*) determining the mode and conditions of appointing, punishing or dismissing any officer or servant, and delegating to officers designated in the rules the power to appoint, fine, reduce, suspend or dismiss any officer or servant; Determining mode of appointing, etc., municipal servants; delegating power to appoint, etc.

(*f*) regulating the grant of leave to officers or servants, and fixing the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave; Granting leave to municipal servants;

(*g*) authorising the payment of contributions, at such rates and subject to such conditions as may be prescribed in such rules, to any pension or provident fund which may be established by the municipal council or with the approval of the municipal council by the said officers and servants; Contributing to provident funds.

Prescribing the taxes, etc., to be levied for municipal purposes.

(*h*) prescribing, subject to the provisions of Chapter VII, the taxes to be levied in the municipality for municipal purposes, the circumstances in which exemption will be allowed, the conditions on which and the extent to which remissions may be granted, and the system on which refunds are to be allowed and paid, in respect of such taxes and the fees to be charged for licences or permissions granted under section 80, and the times at which and the mode in which the same shall be levied or recovered or shall be payable, and prescribing the fees for notices demanding payments due on account of any tax, and for the execution of warrants of distress, and the rates to be charged for maintaining any live-stock distrained, and designating the persons authorised to receive payment of any sums so leviable and the manner in which auctions of moveable property under section 94, shall be held;

For writing off amounts due and remitting fees.

(*i*) prescribing the conditions subject to which sums due on account of any tax or of costs in recovering any tax or on any other account may be written off as irrecoverable, and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted;

(2) Every municipal council shall, subject to such modifications as it deems fit, adopt the rules made under sub-section (1), and may from time to time make amendments therein:

Provided that the making of amendments in the rules shall not have effect unless and until it has been approved by the Government.

(3) Notwithstanding anything contained in this section, the rules in force in any municipality on the date of commencement of this Act, shall continue in force until superseded by rules made and adopted under sub-sections (1) and (2).

Power to suspend, reduce or abolish any existing tax.

47. (1) Subject to the requirements of proviso to sub-section (2) of section 46, every municipal council may, except as otherwise provided in clause (*b*) of the proviso to section 83, at any time for any sufficient reason suspend, modify or abolish any existing tax by suspending, altering or rescinding any rule prescribing such tax.

(2) The provisions of Chapter VII relating to the imposition of taxes shall apply so far as may be to the suspension, modification or abolition of any tax and to the suspension, alteration or rescission of any rule prescribing a tax.

48. (1) The Government shall, as soon as may be, make bye-laws not inconsistent with this Act,— Government to make bye-laws.

(*a*) for the regulation and inspection of markets, all public places used for the sale of articles and slaughter houses and all places used by or for animals which are for sale or hire, or the produce of which is sold, and for the proper and clean conduct of business therein; for regulating the sale of fruit, flowers and vegetables in the municipal markets or other specified places; and for fixing the rents and other charges to be levied for the use of any of them which belong to the municipal council; For markets and slaughter houses etc.

(*b*) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licences may be granted, refused, suspended or withdrawn for the use of any place not belonging to the municipal council— For licensing, regulating and inspecting certain businesses.

(i) as a slaughter-house;

(ii) as a market or shop for the sale of animals intended for human food, or of meat, or of fish or as a market for the sale of fruit or vegetables;

(iii) for any of the purposes mentioned in section 161;

(iv) as a dairy, hotel, restaurant, eating house, coffee-house, sweetmeat-shop, bakery, boarding house, or lodging house, (other than a students' hostel under public or recognised control) or for manufacturing ice or ærated waters;

(v) as a place for the preparation or manufacture of oil; or

(vi) for any other purpose for which the taking out of a licence is or may be prescribed;

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious, offensive, or dangerous effect arising or likely to arise therefrom;

(*c*) prohibiting the stalling or herding of horses, camels, cattle, donkeys, pigs, sheep or goats, otherwise than in accordance with such terms prescribed in such bye-laws in regard to the number thereof and the places to be used for the purpose, as may be necessary to prevent danger to the public health; Regulating the stalling of cattle, etc.

For regulating dairies and cattle sheds.

(*d*) (i) for the inspection of milch-cattle; and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairymen or milk-sellers;

Milk-stores, etc.

(ii) for securing the cleanliness of milk stores, milk shops and vessels used by milk-sellers or buttermen for milk or butter;

For inspection of weights and measures.

(*e*) for the inspection of instruments for weighing and weights and measures under section 156;

For the registration of births, etc.

(*f*) for the registration of births, deaths and marriages, and the taking of statistics within the municipality and for enforcing the supply of such information as may be necessary to make such registration or statistics effective;

Regulating the disposal of the dead.

(*g*) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the community or section of the community entitled to the use of such places for the disposal of the dead;

For enforcing information as to epidemics.

(*h*) for enforcing the supply of information as to any cases of dangerous disease, and carrying out the provisions of sections 157 and 158.

For enforcing information as to liability to municipal taxation.

(*i*) for enforcing the supply of such information by inhabitants of the municipality as may be necessary to ascertain their respective liabilities to any tax imposed therein;

(*j*) for the numbering and registration of any vehicle liable to taxation under this Act;

Octroi bye-laws.

(*k*) fixing octroi limits and stations; providing for the exhibition of tables of octroi; requiring a licence to be obtained for the sale of any article liable to octroi and prescribing the conditions on or subject to which such licence may be granted, refused, suspended or withdrawn, regulating, subject to any general or special orders which the Government may make in this behalf, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods, are again exported and the custody or storage of animals or goods declared not to be intended for use or consumption or for sale within the municipality;

and prescribing a period of limitation after which no claim for refund of octroi shall be entertained, and the minimum amount for which any claim to refund may be made;

(*l*) for conserving and preventing injury to sources and means of water supply and appliances for the distribution of water whether within or without the limits of the municipality; and regulating all matters and things connected with the supply and use of water and the turning on or turning off and preventing the waste of water, and the construction, maintenance and control of municipal water-works and of pipes and fittings in connection therewith, whether the property of the municipal council or not; For protecting water.

Explanation.—Sources and means of water-supply shall include private wells which are used by the public.

(*m*) regulating the use of pubic bathing and washing places within municipal limits; Regulating public baths, etc.

(*n*) regulating sanitation and conservancy; For conservancy.

(*o*) regulating the conditions for the construction, use and disposal of houses intended for the poor under clause (*c*) of section 58; For constructing houses for the poor.

(*p*) regulating the disposal of carcasses of dead animals; For the disposal of carcasses.

(*q*) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of, temporary structures on public streets or for projections over public streets, and regulating the structure and dimensions of plinths, walls, foundations, floors, roofs and chimneys of new buildings, for the purpose of securing stability and the prevention of fires, and for purposes of health; Regulating structures and buildings.

(*r*) regulating the erection or use of buildings for grain shops or grain stores and regulating the use of sites for erection of buildings and regulating in localities intended for residential purposes, the erection or use of buildings for shops, market places, manufactories, places of public resort or for any other purpose. For regulating construction or use of buildings.

For providing or streets.

(*s*) for preventing the erection of the buildings without adequate provision being made for the laying out and location of streets;

For ensuring ventilation.

(*t*) for ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air;

Control of drains.

(*u*) regulating, in any other particular not specifically provided for in this Act, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cesspools, water closets, privies, latrines, urinals, and drainage or sewerage works of every description, whether the property of the municipal council or not;

Requiring information and plans in certain cases.

(*v*) determining the information and plans to be required by the municipal council under section 112;

For controlling unwieldy traffic.

(*w*) prohibiting the transit of any vehicles of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians, along or over any street, except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions as may be prescribed, either generally in such bye-laws or in special licences to be granted in each case upon such terms as to time of application and payment of fees therefor as may be prescribed in such bye-laws:

Provided that no such bye-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been posted up by the municipal council in conspicuous places at or near both ends of such street or portion of a street;

Public parks.

(*x*) securing the protection of public parks, gardens, and open spaces, vested in or under the control of the municipal council, from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them;

For licensing factories, the use of steam whistles, etc.

(*y*) prescribing the conditions on or subject to which and the circumstances in and the areas or localities in

respect of which licences may be granted, refused, suspended or withdrawn for the establishment in any premises, of any factory, as defined in the Mysore Factories Act, 1914, or for the use of whistles and trumpets operated by steam, mechanical means or electricity in factories or other places for the purposes of summoning or dismissing workmen or persons employed;

(z) generally for the regulation of all matters relating to municipal administration.

Fine may be imposed for infringement of bye-laws.

And every municipal council may, with the like sanction, prescribe a fine not exceeding five hundred rupees for the infringement of any such bye-law.

(2) Every municipal council shall, subject to such modifications as it deems fit, adopt the bye-laws made under sub-section (1) and may, from time to time, make amendments therein:

Provided that the making of amendments therein shall not have effect unless and until it has been approved by the Government.

Publication of drafts of proposed bye-laws.

(3) Every municipal council shall, before adopting any bye-law under sub-section (2), publish in such manner as shall in its opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the bye-laws proposed to be adopted clearly indicating the modifications, together with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before adopting the bye-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Objections and suggestions to be submitted to Government.

(4) When any bye-law adopted by a municipal council is submitted to the Government for approval, a copy of the notice published as aforesaid and of every objection or suggestion so made, shall be submitted for the information of the Government along with the said bye-law.

(5) Notwithstanding anything contained in this section, the bye-laws in force in any municipality on the date of commencement of this Act, shall continue in force until superseded by bye-laws made and adopted under sub-sections (1) and (2).

Rules and bye-laws to be printed and sold.

49. The rules and bye-laws for the time being in force shall be kept open for public inspection at the municipal office at all reasonable times, and printed copies thereof and of this Act in Kannada shall be kept on sale at cost price.

CHAPTER V.

MUNICIPAL PROPERTY AND FUND.

Power to acquire and hold property.

50. (1) Every municipal council may acquire and hold property both moveable and immoveable, whether within or without the limits of the municipality.

Property vested in the municipal council.

(2) All property of the nature hereinafter in this section specified, and not being specially reserved by the Government, shall be vested in and belong to the municipal council and shall, together with all other property of whatsoever nature or kind not being specially reserved by the Government, which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Act, that is to say—

(*a*) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots;

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water-works and all bridges, buildings, engines, works, materials and things connected therewith, or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, along-side or under any street, and all works, materials and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cess-pools or elsewhere;

(*d*) all public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto;

(*e*) all lands and buildings transferred to it by the Government, or by gift or otherwise, for local public purposes;

(*f*) all public streets and the payements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

(3) It shall be competent to the Government from time to time, by notification, to resume any property vested or vesting in the municipal council under this section on such terms as the Government may determine.

Power to Government to resume property.

51. All money received by or on behalf of the municipal council by virtue of this or any other Act; all taxes, tolls and other imposts, fines, fees, penalties paid to or levied by it under this Act; all proceeds of land or other property sold by the municipal council, and all rents accruing from its land or property; as also all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise shall constitute the municipal fund, and shall be held and dealt with in a similar manner to the property mentioned in the last preceding section:

Municipal fund.

Provided that nothing in this section, or in the last preceding section, shall in any way affect any obligations accepted by or imposed upon any municipal council by any declarations of trust executed by or on behalf of such municipal council, or by any scheme settled by order of the Government for the administration of any trust.

Provision as to special trusts.

52. The municipal fund and all property held by or vested in the municipal council under this Act, shall be applied, subject to the provisions of this Act for the purposes specified in sections 55, 56 and 58 and for all other purposes for which by or under this Act, or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the commissioner or the Government, for any other purpose for which the application of such property or fund is in the public interests.

Application of municipal fund and property.

53. (1) It shall be lawful for the municipal council to deposit at interest with the Government savings bank, or with the sanction of the Government in any other bank in or outside of Mysore, any surplus funds in its hands which may not be required for current charges, and, with the like sanction to invest such funds in public securities in the name of the municipal council, and from time to time dispose of such securities as may be necessary.

Power to deposit and invest surplus funds.

Surplus not so deposited or invested how to be dealt with.

(2) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (1), be deposited in the local Government treasury, or such other place of security as may be sanctioned by the Government.

Power of municipal councils to borrow money.

54. A municipal council may, in pursuance of a resolution passed at a special general meeting and with the previous sanction of the Government and subject to such conditions as may be prescribed by the Government as to security, the rate of interest and the repayment of principal and interest, borrow either from the Government or from any person, any sum of money required for constructing any work of a permanent nature which it is required or empowered to undertake under the provisions of this Act.

CHAPTER VI.

OBLIGATORY AND DISCRETIONARY FUNCTIONS OF MUNICIPAL COUNCILS.

Obligatory duties of municipal councils.

55. It shall be the duty of every municipal council to make reasonable provision for the following matters within the municipality under its authority, namely :—

(*a*) lighting public streets, places and buildings ;

(*b*) watering public streets and places ;

(*c*) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or not; removing noxious vegetation; and abating all public nuisances;

(*d*) extinguishing fires and protecting life and property when fires occur ;

(*e*) regulating or abating offensive or dangerous trades or practices ;

(*f*) removing obstructions and protection in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or belong to the Government ;

(*g*) securing or removing dangerous buildings or places and reclaiming unhealthy localities ;

(*h*) acquiring and maintaining, changing and regulating places for the disposal of the dead ;

(*i*) constructing, altering and maintaining public streets, culverts, municipal boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage works, sewage works, baths, washing places, drinking fountains, tanks, wells, dams and the like ;

(*j*) obtaining a supply of or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost;

(*k*) naming streets and numbering houses ;

(*l*) registering births and deaths;

(*m*) public vaccination;

(*n*) suitable accommodation for any calves, cows, or buffaloes required within the municipality for the supply of animal lymph;

(*o*) establishing and maintaining public hospitals and dispensaries, and providing public medical relief;

(*p*) arranging for the destruction or the detention and preservation of such dogs within the municipality as may be dealt with under the law in force relating to police or under section 138 of this Act;

(*q*) providing facilities for anti-rabic treatment and meeting the expenses of indigent persons undergoing anti-rabic treatment within or outside the municipal limits;

(*r*) printing such annual reports on the municipa administration of the municipality as the Government, by general or special orders, requires the municipal council to submit

(*s*) paying the salary and the contingent expenditure on account of such police or guards as may be required by the municipal council for the purposes of this Act or for the protection of any municipal property, and providing such accommodation as may be required by the Government under the law in force relating to police;

(*t*) if the Government so requires, compost making.

Special duties.

56. Every municipal council shall make reasonable provision for the following special matters namely:—

(*a*) providing special medical aid and accommodation for the sick in time of dangerous disease; and taking such measures as may be required to prevent the outbreak or suppress and prevent the recurrence of the disease;

(*b*) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the municipality.

Power of Government to exempt municipal council from any of the duties.

57. Notwithstanding anything contained in sections 55 and 56, the Government may exempt any municipal council from any of the provisions of those sections or may declare that, in regard to any municipal council, any of the duties specified in the aforesaid sections shall be deemed to be discretionary duties within the meaning of section 58.

58. Municipal councils may, at their discretion, provide ut of the said property and fund, either wholly or partly, or—

Discretionary powers of expenditure of municipal councils.

(*a*) laying out, whether in areas previously built upon or ot, new public streets, and acquiring the land for that urpose, including the land requisite for the construction f buildings or curtilages thereof, to abut on such street;

(*b*) constructing, establishing, or maintaining public arks, gardens, libraries, museums, lunatic asylums, halls, ffices, dharmasalas, choultries, musafarkhanas, rest-houses nd other public buildings;

(*c*) constructing and maintaining, where necessary, uitable sanitary houses for the habitation of the poor and ranting loans for the construction of such houses or for ffecting necessary improvements connected therewith;

(*d*) providing accommodation for any class of servants mployed by the municipal council or granting loans to such ervants for construction of houses, subject to the rules rescribed in this behalf;

(*e*) granting loans to encourage local arts and industries;

(*f*) planting and maintaining roadside and other rees;

(*g*) taking statistics and granting rewards for information vhich may tend to secure the correct registration of vital tatistics;

(*h*) making a survey;

(*i*) securing or assisting to secure suitable places for the carrying on of the offensive trades mentioned in section 161;

(*j*) supplying, constructing and maintaining receptacles, ittings, pipes and other appliances whatsoever, on or for he use of private premises, for receiving and conducting he sewage thereof into sewers under the control of the nunicipal council;

(*k*) establishing and maintaining a farm or factory for he disposal of sewage;

(*l*) providing music for the people;

(*m*) the promotion of public health or infant welfare;

(*n*) contribution towards any public fund raised for the relief of human suffering, within or without the municipality;

(*o*) by a resolution passed at a general meeting and supported by one-half of the whole number of councillors, and with the previous sanction of the Deputy Commissioner, any public reception, ceremony, entertainment or exhibition within the municipality;

Provided that no such previous sanction shall be necessary if such resolution is passed unanimously;

(*p*) the organisation or maintenance during scarcity of shops or stalls for the sale of necessaries of life;

(*q*) housing and maintaining destitute orphans and destitute cripples;

(*r*) subject to the provisions of the Mysore Warehouses Act, 1950, constructing, establishing and maintaining warehouses, and

(*s*) any other matter not hereinbefore specifically named which is likely to promote education or the public health, safety or convenience or the advancement of the economic condition of the inhabitants or which is necessary for the carrying out the purposes of this Act, expenditure whereon is resolved by the municipal council by the votes of not less than two-thirds of the whole number of councillors and with the approval of the Government, to be an appropriate charge on the municipal fund.

Arrangements purporting to be binding permanently or for a term of years.

59. When a municipal council has entered into any arrangement, or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to continue to any educational or charitable institution a yearly contribution from the municipal property or fund, it shall be lawful for the municipal council, or its successors, with the sanction of the Government, to cancel such arrangement or promise, or to discontinue or to diminish such yearly contribution, provided that it shall have given at least twelve months' notice of its intention so to do to the manager or managers of such institution.

Management of public institutions maintained by municipal councils to vest in it.

60. The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipal council by which it is maintained.

CHAPTER VII.

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MUNICIPAL TAXATION.

(1) *Imposition of Taxes.*

Taxes which may be imposed.

61. Any municipal council—

(*a*) after observing the preliminary procedure required by section 62, and

(*b*) with the sanction of the Government, and subject to such modifications or conditions as under section 63, the Government, in according such sanction deems fit, may impose, for the purposes of this Act, any one or more of the following taxes at rates not exceeding those prescribed in Schedules I to VI [except the levy under clause (*xiii*) which shall be levied in accordance with the provisions of section 65,] that is to say,—

(*i*) a rate on buildings or lands or both situated within the municipality;

(*ii*) a tax on all or any vehicles, boats or animals used for riding, draught or burden, kept within the said municipality for use;

(*iii*) a toll on vehicles entering the said municipality, but not liable to taxation under the clause last preceding;

(*iv*) an octroi on animals or goods, or both brought within the octroi limits for consumption, use or sale therein;

(*v*) a stand fee for bus stands established or maintained by a municipal council;

(*vi*) a tax on dogs kept within the said municipality;

(*vii*) a special sanitary cess upon private latrines, premises or compounds cleansed by municipal agency, after notice given as hereinafter required;

(*viii*) a general sanitary cess for the construction or maintenance, or both construction and maintenance of public latrines and underground drainage and for the removal and disposal of refuse;

(*ix*) a water-rate or water-rates for water supplied by the municipal council, which may be imposed in the form of rate assessed on buildings and lands, or in any other form, including that of charges for such supply, fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of cases or of any individual case;

(*x*) a lighting tax;

(*xi*) a tax on arts, professions, trades and callings and on offices and appointments;

(*xii*) a tax on shops and other places where a business or profession is carried on for purpose of profit, payable by the person or persons engaged in the business or profession:

Provided that where the municipal council elects to levy a tax under this clause, the person or persons paying the tax shall not be called upon to pay a tax on professions, trades and callings under clause (*xi*) in respect of the business or professions carried on in the shop or place;

(*xiii*) a duty on transfers of immoveable property in the shape of an additional stamp duty:

Provided that—

(*a*) no tax imposed as aforesaid other than a special sanitary cess or water-rate shall, without the express consent of the Government, be leviable in respect of—

(i) any building or part of any building belonging to the Government and used solely for public purposes and not used or intended to be used for residential purposes or for purpose of profit, or any building or part of any building belonging to the Central Government;

(ii) any vehicle, animal or other property belonging to the Government and used solely for public purposes and not used or intended to be used for purpose of profit, or any vehicle, animal or other property belonging to the Central Government;

(iii) any building or part of a building used as a place of public worship or used for a charitable purpose;

(*b*) no tax of any kind imposed as aforesaid shall be leviable in respect of any building or part of a building used or intended for the occupation of His Highness the

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Maharaja or in respect of any vehicle, animal or other property belonging to His Highness the Maharaja;

(*c*) no toll shall be leviable in respect of any vehicle used for the passage of troops or the conveyance of the property of His Highness the Maharaja or of Government stores or of any other Government property or for the passage of military or police officers on duty or the passage or conveyance of any person or property in their custody;

(*d*) the Government may, by order, grant and define other exemptions in exceptional cases from payment of tolls and other taxes imposed under this Act;

(*e*) no tax shall be leviable in respect of horses, being registered chargers of the officers of the Armed Forces of the Union or in respect of one bicycle and one horse kept by the members of the Mysore Police Force for the performance of their official duties;

(*f*) no special sanitary cess shall be leviable in respect of any private latrines, premises or compounds, unless and until the municipal council has—

(i) made provision for the cleansing thereof by manual labour, or for conducting or receiving the sewage thereof into municipal sewers, and

(ii) issued either severally to the persons to be charged, or generally to the inhabitants of the municipality or part of the municipality to be charged with such cess, one month's notice of the intention of the municipal council to perform such cleansing and to levy such cess;

(*g*) the municipal council, in lieu of imposing separately any two or more of the taxes described in clauses (i), (viii), (ix) and (x), may impose a consolidated tax, assessed as a rate on buildings or lands, or both, situated within the municipality.

Procedure preliminary to imposing tax.

62. A municipal council, before imposing a tax, shall observe the following preliminary procedure:—

(*a*) it shall, by resolution passed at a general meeting, select for the purpose one or other of the taxes specified in section 61, and prepare rules for the purposes of clause

(*h*) of section 46, prescribing the tax selected, and in such resolution and in such rules specify—

(i) the classes of persons or of property or of both which the municipal council proposes to make liable, and any exemptions which it proposes to make;

(ii) the amount or rate at which the municipal council proposes to assess each such class;

(iii) in the case of a rate on buildings or lands or both, the basis, for each class, of the valuation on which such rate is to be imposed;

(iv) all other matters which the Government may require to be specified therein.

(*b*) When such resolution has been passed, the municipal council shall publish the rules so prepared with a notice in the form of Schedule VII prefixed thereto.

(*c*) Any inhabitant of the municipality objecting to the imposition of the said tax or to the amount or rate proposed, or to the classes of persons or property to be made liable thereto or to any exemptions proposed, may within one month from the publication of the said notice, send his objection in writing to the municipal council; the municipal council shall take all such objections into consideration, or shall authorise a committee to consider the same and report thereon; and, unless it decides to abandon the proposed tax, shall submit such objections with its opinion thereon and any modifications proposed in accordance therewith, together with the notice and rules aforesaid to the Government.

Power to sanction, modify and impose conditions.

63. The Government may either refuse to sanction the rules submitted, or may return them to the municipal council for further consideration, or if no objection, or no objection which is in its opinion sufficient, was made to the proposed tax within one month from the publication of the said notice, may sanction the said rules either—

(*a*) without modification, or

(*b*) subject—

(i) to such modifications not involving an increase of the amount to be imposed, or,

(ii) to such conditions as to the application within the municipality to any purpose or purposes of this

Act specified in such conditions, of the whole or any part of the proceeds of such tax, as it deems fit.

64. All rules sanctioned under section 63 with all modifications subject to which the sanction is given, shall be published by the municipal council in the municipality for which they are prescribed, together with a notice reciting the sanction and the date and serial number thereof, and the tax as prescribed by the rules so published—shall, from a date which shall be specified in such notice and which shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the municipal council in accordance with all conditions, if any, subject to which under section 63 the sanction was given. Publication of sanctioned rules with notice.

Provided that—

(*a*) a tax leviable by the year—

(i) shall not come into force except on one of the following dates, *viz.*, the first day of April—the first day of July—the first day of October—the first day of January—in the official year in which such notice is published, and

(ii) if it comes into force on any day other than the first of April, it shall be leviable by the quarter, till the first day of April then next ensuing,

(*b*) on or before the day on which a notice is issued under this section, the municipal council shall publish such further detailed rules as may be required, and as may have been approved by the Government under proviso (i) to section 46, prescribing the mode of levying and recovering the tax therein specified and the dates on which it or the instalments, if any, thereof, shall be payable,

(*c*) if the levy of a tax, or of a special portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards unpaid arrears which may have become due during that period.

65. (1) The duty on transfers of immoveable property shall be levied in the form of a surcharge on the duty imposed by the Mysore Stamp Act, 1900, on instruments Duty on certain transfers of immoveable property.

of sale, gift and mortgage of immoveable property situated within the limits of the Municipality at a rate not exceeding one per centum on, as the case may be, the amount of the consideration, the value of the property or the amount secured by the mortgage, as set forth in the instrument :

Provided that no such duty shall be leviable in respect of mortgages where the amount secured by a mortgage does not exceed Rs. 1,000.

(2) On the introduction of the transfer duty—

(*a*) section 27 of the Mysore Stamp Act, 1900, shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within and without the municipality ;

(*b*) section 64 of the same Act shall be read as if it referred to the municipal council as well as the Government.

(3) The Government may make rules for regulating the collection of the duty, the payment thereof to the municipal council and the deduction of any expenses incurred by the Government in the collection thereof.

(4) No duty shall be chargeable in respect of any instrument executed by or on behalf of or in favour of the Government in cases where, but for this exemption, the Government would be liable to pay the transfer duty under this section in respect of such instruments.

Seizure and sale of vehicles not bearing numbers.

66. (1) If any direction for the numbering and registration of a vehicle contained in any bye-law made under clause (j) of sub-section (1) of section 48 is not observed in respect of any vehicle, then any authority empowered in this behalf by the municipal council may, at any time, seize and detain the vehicle or the animal, if any, by which it is drawn or both :

Provided that no vehicle other than a bicycle, tricycle or rikshaw shall be seized and detained when actually employed in the conveyance of any passenger or goods.

(2) If a vehicle or animal is detained under sub-section (1) and the owner or other person entitled thereto does not claim the same and pay the tax, if any, due thereon and other amounts due under sub-section (4) within ten days from the date of seizure, such authority as the municipal council may empower in this behalf may

direct that the vehicle or animal shall be sold in public auction and the proceeds of the sale applied to the payment of—

(*a*) the tax, if any, due on the vehicle,

(*b*) such penalty not exceeding the amount of the tax as the authority may direct, and

(*c*) the charge incurred in connection with the seizure, detention and sale.

(3) If there is a surplus after such payment, the municipal council shall, on demand made within six months from the date of sale, make it over to the owner or other person entitled thereto. If no such demand is made, such surplus shall be forfeited to the municipal council.

(4) If the owner of the vehicle or animal or other person entitled thereto claims the same within ten days from the date of seizure or at any time before the sale, it shall be returned to him on payment of—

(*a*) the tax due on the vehicle,

(*b*) such penalty not exceeding the amount of the tax as the authority specified in sub-section (1) may direct, and

(*c*) the charges incurred in connection with seizure and detention.

(2) *Assessment of and Liability to Taxes.*

Appointment of assessor.

67. (1) For assessing taxes imposed in the form of a rate on buildings or lands or both in each municipality, the Government shall appoint an assessor.

(2) The municipal council shall afford all clerical and other necessary help to the assessor to discharge his duties under the Act and shall bear all expenditure incidental thereto.

Preparation of an assessment list.

68. (1) When a rate on buildings or lands or both is imposed, the assessor shall cause an assessment list of all buildings, or lands, or buildings and lands in the municipality to be prepared, containing—

(*a*) the name of the street or division in which the property is situated;

(*b*) the designation of the property, either by name or by number, sufficient for identification;

(c) the names of the owner and occupier, if known;

(d) the annual letting value or other valuation on which the property is assessed; and

(e) the amount of the tax assessed thereon.

Power to inspect.

(2) For the purpose of making such assessment as aforesaid, the assessor and any person appointed to assist him in his work may make an inspection of such property.

Returns to be furnished.

(3) On the requisition of the assessor, the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief and subscribed with his signature—

(a) as to the name and place of abode of the owner or occupier or of both;

(b) as to the dimensions of such building or land and the annual letting value or other valuation thereof.

Person primarily liable for a rate on buildings or lands or both how to be designated if his name cannot be ascertained.

69. (1) When the name of the person primarily liable for the payment of a rate on buildings or lands or both in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment list, and in any notice which it may be necessary to serve upon the said person under this Act "the holder" of such premises without further description.

Occupier liable for a rate on buildings or lands or both until he gives information.

(2) If, in any such case, any person in occupation of the premises shall refuse to give such infirmation as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all rates on buildings or lands or both leviable on the premises of which he is in occupation.

Publication of notice of assessment list.

70. When the assessment list has been completed, the assessor shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

71. (1) The assessor shall, at the time of the publication of such assessment list, give public notice of a time, not less than one month thereafter, when the revising authority will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed or the assessment is increased, the assessor shall also give notice thereof to the owner or occupier of the property if known and if the owner or occupier of the property is not known, he shall affix the notice in a conspicuous place on the property.

Public notice of time fixed for revising assessment list.

(2) The revising authority to whom objections under sub-section (1) may be made shall be the municipal council or any committee to which the municipal council may delegate this function or an officer of the Government to whom with the permission of the Government, the municipal council may delegate this function.

Revising authority.

(3) All objections to the valuation and assessment shall be made to the assessor before the time fixed in the notice, by application in writing stating the grounds on which the valuation and assessment are disputed, and all applications so made shall be registered in a book to be kept by the assessor for the purpose.

Objections how to be made.

(4) The revising authority shall, after allowing the applicant an opportunity of being heard in person or by agent,—

Hearing of objections.

(*a*) investigate and dispose of the objections,

(*b*) cause the result thereof to be noted in the book kept under sub-section (3), and

(*c*) cause any amendment necessary in accordance with such result to be made in the assessment list.

(5) When all objections made under this section have been disposed of and all amendments required by sub-section (4) have been made in the assessment list, the said list shall be authenticated by the revising authority and sent to the Commissioner for approval.

Authentication of list.

(6) The list so approved by the Commissioner shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property specified therein, or to the agents of such persons and a notice that it is so open shall be forthwith published.

Custody and inspection of list.

Authenticated list how far conclusive.

(7) Subject—

(a) to such alteration as may thereafter be made therein under the provisions of the next following section, and

(b) to the result of any appeal made under section 99, the entries in the list so authenticated and deposited shall be accepted as conclusive evidence—

(i) for the purposes, for all municipal taxes, of the annual letting value or other valuation of all buildings and lands to which such entries respectively refer, and

(ii) for the purposes of any tax imposed on buildings and lands, of the amount of each such tax leviable thereon throughout the official year to which such list relates.

Amendment of assessment list.

72. (1) The municipal council may at any time alter the assessment list by inserting or altering an entry in respect of any property, such entry having been omitted from or erroneously made in the assessment list through fraud, accident or mistake, or in respect of any building constructed, altered, added to or reconstructed in whole or in part, where such construction, alteration, addition or reconstruction has been completed after the preparation of the assessment list, after giving notice to any person interested in the alteration of the list of a date, not less than one month from the date of service of such notice, before which any objection to the alteration should be made.

Objections how dealt with.

(2) An objection made by any person interested in any such alteration, before the time fixed in such notice, and in the manner provided by sub-section (3) of section 68, shall be dealt with in all respects as if it were an application under the said section.

Effect of amendment.

(3) An entry or alteration made under this section shall, subject to the provisions of section 98, have the same effect as if it had been made in the case of a building constructed, altered, added to or reconstructed on the day on which such construction, alteration, addition or reconstruction was completed or on the day on which the new construction, alteration, addition or reconstruction was first occupied, whichever first occurs, or in other

cases on the earliest day in the current official year on which the circumstances justifying the entry or alteration existed; and the tax or the enhanced tax, as the case may be, shall be levied in such year in the proportion which the remainder of the year after such day bears to the whole year.

73. (1) It shall not be necessary to prepare a new assessment list every year. Subject to the condition that every part of the assessment list shall be completely revised not less than once in every four years, the assessor may adopt the valuation and assessment contained in the list for any year, with such alterations as may be deemed necessary, for the year immediately following.

New assessment list need not be prepared every year.

(2) But the provisions of sections 70, 71 and 72 shall be applicable every year as if a new assessment list had been completed at the commencement of the official year.

74. Every tax imposed in the form of a rate on buildings or lands or on both shall be leviable primarily from the actual occupier of the property upon which the said taxes are assessed, if he is the owner of the buildings or lands, or holds them on a building or other lease from the Government or from the municipal council, or on a building lease from any person. Otherwise, the said tax shall be primarily leviable as follows, namely,—

Tax from whom primarily leviable.

(*a*) if the property is let, from the lessor;

(*b*) if the property is sublet, from the superior lessor;

(*c*) if the property is unlet, from the person in whom the right to let the same vests:

Provided that, on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the buildings or lands in respect of which it is due, as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment list, whichever of those two amounts is the greater:

Recovery from occupiers.

Provided further, that for any sum paid by, or recovered from, any occupier who is not primarily liable under this

Remedy of occupier in such case.

section, he shall be entitled to credit in account with the person primarily liable for the payment of that sum.

Notice to be given to municipal council of all transfers of title by persons primarily liable to payment of taxes on buildings or lands.

75. (1) Whenever the title of any person primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings, or lands or both to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall give notice on such transfer in writing to the municipal council.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise shall give notice of such transfer to the municipal council.

Form of notice.

76. (1) The notice to be given under the last preceding section shall be in the form either of Schedule VIII or Schedule IX, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the municipal council may, if it thinks it necessary, require the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the Mysore Registration Act, 1903.

Name of transferee to be substituted in the Municipal registers.

77. Whenever such transfer comes to the knowledge of the municipal council either through such notice or otherwise, and after such enquiry as may be prescribed, the name of the transferee shall be substituted in the municipal registers for that of the person primarily responsible.

Liability for payment of taxes on buildings or lands to continue in the absence of notice of transfer.

78. (1) Every person, primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings or lands, who transfers his title to or over such premises without giving notice of such transfer to the municipal council as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all taxes from time to time payable in respect of the said premises, until he gives such notice, or until the transfer shall have been recorded in the registers of the municipal council.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said taxes or to affect the prior claim of the municipal council on the premises conferred by section 100, for the recovery of the taxes due thereupon.

79. (1) Where any building or land which is assessed to a rate based on the annual letting value and payable by the year or in respect of which a special sanitary cess is payable by the year, or by instalments, has remained vacant and unproductive of rent throughout the year or portion of the year for which the rate is leviable or throughout the period in respect of which any such instalment is payable, the municipal council may remit or refund not less than one half of the amount of the rate, or of the cess, or instalment of the cess, as the case may be:

Remission of tax in case of vacancies when obligatory.

Provided that no such remission shall be granted unless notice in writing of the fact of the building or land being vacant and unproductive of rent has been given to the municipal council, and that no remission or refund shall take effect for any period previous to the day of the delivery of such notice.

When discretionary.

(2) When any such building or land as aforesaid—

(*a*) has been vacant and unproductive of rent for any period of not less than sixty consecutive days, or

(*b*) consists of separate tenements one or more of which has or have been vacant and unproductive of rent for any such period as aforesaid, or

(*c*) is wholly or in great part demolished or destroyed by fire or otherwise deprived of value,

the municipal council may remit or refund such portion, if any, of the rate or cess or instalment as it may think equitable.

(3) The burden of proving the facts entitling any person to claim relief under this section shall be upon him.

Burden of proof on claimant.

(4) For the purpose of this section, a building or land shall be deemed to be productive of rent if let to a tenant who has continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

Explanatory clause.

(3) *Power to charge Fees.*

Municipal council may charge fee for certain licences.

80. (1) When any licence is granted by the municipal council under this Act or when permission is given by it for making any temporary erection or for putting up any projection, or for the temporary occupation of any public street or other land vested in the municipal council, the municipal council may charge a fee for such licence or permission.

Levy of fees for unauthorised occupation or projection.

(2) The municipal council may charge a higher fee by way of penalty for any erection, or projection, or for the use or occupation of any public street or other land vested in the municipal council by any person without its permission or licence. Such fee shall be leviable irrespective of any other penalty or liability to which the person liable to pay the same may be subject under any other provision of this Act or any other law for the time being in force. The rates of such higher fees shall be determined by rules.

Market and other fees.

(3) The municipal council may also charge such fees as may be fixed by bye-laws under clause (*a*) of sub-section (1) of section 48, for the use of any such places mentioned in that sub-section, as belong to the municipal council.

Farming of fees.

(4) It shall be lawful for the municipal council to lease the levy of any fee that may be imposed under sub-section (3) by public auction or private contract.

Power of lessee to expel persons who refuse to pay fees.

(5) When any fee has been leased under sub-section (4), any person employed by the lessee to collect such fees or the lessee himself may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable any person who is liable to pay the fee but refuses to pay it.

(4) *Special Provisions relating to certain Taxes.*

Composition of toll.

81. (1) The municipal council may compound for a period not exceeding one year at a time, with any person for a sum to be fixed in accordance with a scale approved by the municipal council and to be paid monthly, quarterly, or half-yearly in advance in lieu of all tolls payable in respect of any vehicle belonging to such person and issue a pass for the free admittance of the vehicle within the limits of the municipality.

Recovery of sums claimed under this section.

(2) Every sum claimed by the municipal council as a lumpsum payable under sub-section (1) shall, for the purposes of Chapter VIII, be deemed to be, and shall be

recoverable in the same manner as an amount claimed on account of any tax recoverable under the said chapter.

82. If it shall at any time appear to the Government, on complaint made or otherwise, that any tax, leviable by a municipal council, is unfair in its incidence or that the levy thereof or of any part thereof, is obnoxious to the interests of the general public, the Government may require the said municipal council, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if, within the period so fixed, such requirements shall not be carried into effect to the satisfaction of the Government, it may, by notification in the *Mysore Gazette*, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

Power of Government to suspend or prohibit levy of objectionable taxes.

The Government may, at any time, by a like notification, rescind any such suspension.

83. Whenever it appears to the Government that the balance of the municipal fund of any municipal council is insufficient for meeting the expenditure incurred under section 200 or under section 202, the Government may, by notification, require the municipal council to impose, within the municipality, any such tax specified in the notification as may be imposed under section 61, if no such tax is at the time imposed therein, or to enhance any existing tax in such manner or to such extent as the Government considers fit, and the municipal council shall forthwith proceed to impose or enhance in accordance with the requisition such tax under the provisions of this chapter, as if a resolution of the municipal council had been passed for the purpose under section 62.

Power of Government to require municipal council to impose taxes.

Provided that—

(*a*) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may take against the imposition or enhancement of such tax ;

(*b*) it shall not be lawful for the municipal council to abandon or modify or to abolish such tax when imposed, and

(*c*) the Government may, at any time, cancel or modify any requisition made by it under this section, and the levy of the tax or the enhancement, except as to arrears

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theretofore accrued due, shall thereupon cease or be modified accordingly.

(5) *Octroi and Tolls.*

Octroi bye-laws to be submitted with proposal for imposition of octroi.

84. Every municipal council, when submitting for sanction a proposal for the imposition of octroi, shall submit therewith for approval a draft of bye-laws for the purposes of clause (*k*) of sub-section (1) of section 48, after observing the requirements of sub-sections (2), (3) and (4) of that section.

Power to examine articles liable to octroi.

85. (1) Every person bringing into, or receiving from beyond, the octroi limits of a municipality, any article on which octroi is payable shall, when required by an officer authorised in this behalf by the municipal council and so far as may be necessary for ascertaining the amount of tax chargeable,

(*a*) permit that officer to inspect, examine and weigh and otherwise deal with the article, and

(*b*) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to the article.

Power to search where octroi is leviable.

(2) If any person bringing into, or receiving from beyond the octroi limits of a municipality in which octroi is leviable, any conveyance or package, shall refuse on the demand of an officer authorised by the municipal council in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a magistrate or the president or such officer of the municipal council as the Government appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

Presentation of bills for octroi.

86. (1) Every officer demanding octroi by the authority of the municipal council shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated.

(2) If goods passing into a municipality are liable o the payment of octroi, then every person who, with the atention to defraud the municipal council, causes or bets the introduction of, or himself introduces or ttempts to introduce within the octroi limits of the said unicipality, any such goods upon which payment of the ctroi due on such introduction has neither been made ior tendered, shall on conviction by a magistrate be unishable with fine which may extend to ten times the alue of such octroi or to two hundred rupees whichever nay be greater, or with simple imprisonment which may xtend to one month.

Penalty for evasion of octroi.

87. (i) Any person—

(*a*) selling or keeping for sale without a licence any article liable to octroi and for the sale of which a licence is required to be obtained, or

(*b*) having in his possession any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained,

hall be liable, on conviction before a Magistrate, to a fine iot exceeding ten times the octroi due on all the articles o sold or kept for sale, or possessed or one hundred upees, whichever may be greater, and

Penalty for selling articles liable to octroi without a licence or for being in possession of any such article on which octroi has not been paid.

(ii) Any officer of the municipal council authorised by he municipal council in this behalf, if he has reason to elieve that any article on which octroi has not been paid ut which is liable to octroi and for the sale of which a icence is required to be obtained is kept or concealed in ny premises may, after obtaining the warrant of a Magistrate, enter and search at any time such premises nd if he finds any such article on which octroi has not een paid, may seize any such article and arrest any erson in possession of the same:

Seizure of articles on which octroi duty has not been paid and arrest of person in possession of such articles

Provided that any article or person so seized or arrested hall be produced before a Magistrate exercising jurisdicion within the municipality within twenty-four hours rom the time of such seizure or arrest:

Provided also that nothing in this section shall apply o any article liable to octroi and for the sale of which licence is required to be obtained, if the value of such rticle does not exceed two hundred rupees and if it is

kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

Searches and arrests to be governed by the Code of Criminal Procedure, 1904.

(iii) The provisions of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to all searches and arrests effected under this section.

Tables of tolls to be shown on demand.

88. Every municipal council imposing any toll under this Act shall cause to be kept at each place, where such toll is to be collected a table in Kannada showing the amounts leviable in all cases provided for in the rules, including the terms, if any, on which the liability to pay such tolls may be compounded by periodical payments, and it shall be the duty of every person authorised to demand payment of a toll, to show such table, on the request of any person on whom such demand is made.

Power to seize vehicle on non-payment of octroi or toll.

89. (1) In the case of non-payment on demand of any octroi or of any toll leviable by a municipal council, the person appointed to collect such octroi or toll may seize any article on which the octroi is chargeable or any vehicle on which the toll is chargeable, or any part of its burden, which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle, or article seized a list of the property together with a written notice in the form of Schedule XII.

Notice of sale.

(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid.

Release of property on payment.

(3) If at any time before the sale has begun, the person whose property has been so seized tenders at the municipal office the amount of all expenses incurred, and of the octroi or toll payable, the municipal council shall forthwith release the property seized.

Sale.

(4) If no such tender is made, the property may be sold and the proceeds of such sale shall be applied in

payment of such octroi or toll and the expenses incidental to the seizure, detention and sale.

(5) The surplus, if any, of the sale proceeds shall be credited to the municipal fund, and may, on application made to the municipal council in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and, if no such application is made, shall be the property of the municipal council. Surplus, how dealt with.

90. The municipal council, if it thinks fit, instead of requiring payment of octroi, due from any mercantile firm or public body, to be made at the time when the articles in respect of which it is leviable are introduced within the octroi limits of the municipality, may at any time direct that an account current shall be kept on behalf of the municipal council of the octroi so due from any such firm or body as the municipal council specifies in this behalf. Every such account shall be settled at intervals not exceeding one month, and such firm or public body shall make such deposit or furnish such security as the municipal council or any committee or officer authorised by it in this behalf, shall consider sufficient to cover the amount which may at any time be due from such firm or body in respect of such dues. Every amount so due at the expiry of any such interval shall, for the purposes of Chapter VIII, be deemed to be, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under the said chapter. Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.

91. (1) It shall be lawful for the municipal council to lease annually the levy of any toll that may be imposed under this Act by public auction or private contract. Farming of tolls.

(2) Where any toll has been leased under this section, any person employed by the lessee to collect such tolls shall, subject to the conditions of the lease, have the powers referred to in sub-sections (1) and (2) of section 86: providedthat no article distrained may be sold, except under the orders of the municipal council.

CHAPTER VIII.

RECOVERY OF MUNICIPAL CLAIMS.

Presentation of bill for taxes.

92. (1) When any amount—

(*a*) which, by or under any provisions of this Act, is declared to be recoverable in the manner provided by this chapter, or

(*b*) which, not being leviable under sub-section (1) of section 89, or payable on demand on account of an octroi or a toll, is claimable as an amount or instalment on account of any other tax which is now imposed or hereafter may be imposed in any municipality,

shall have become due, the municipal council shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof, a bill for the sum claimed as due.

Contents of bills.

(2) Every such bill shall specify—

(*a*) the period for which, and

(*b*) the property, occupation or thing in respect of which,

the sum is claimed, and shall also give notice of—

(i) the liability incurred in default of payment, and of

(ii) the time within which an appeal may be preferred as hereinafter provided against such claim.

If bill not paid within fifteen days, notice of demand to issue.

(3) If the sum for which any bill has been presented as aforesaid is not paid into the municipal office, or to a person authorised by any rule in that behalf to receive such payments, within fifteen days from the presentation thereof, the municipal council may cause to be served upon the persons to whom such bill has been presented a notice of demand in the form of Schedule X, or to the like effect.

In what cases warrant may issue.

93. (1) If the person on whom a notice of demand has been served under sub-section (3) of section 92, does not, within fifteen days from the service of such notice of demand, either—

(*a*) pay the sum demanded in the notice, or

(*b*) show cause to the satisfaction of the municipal council, or of such officer as the municipal council by rule may appoint in this behalf, or of the executive officer, if any, why he should not pay the same, or

(*c*) prefer an appeal in accordance with the provisions of section 99 against the demand,

such sum with all costs of the recovery may be levied under a warrant caused to be issued by the municipal council in the form of Schedule XI or to the like effect, by distress and sale of the moveable property of the defaulter.

Warrant by whom to be signed.

(2) Every warrant issued under this section shall be signed by the President of the municipal council causing the same to be issued, or by the executive officer, if any.

To whom the warrant should be addressed.

(3) Where the property is in the area under the control of the municipal council, the warrant shall be addressed to an officer of the municipal council. Where the property is in another municipality constituted under this Act or the City of Bangalore Municipal Corporation Act, 1949, or the Mysore City Municipalities Act, 1933 or in a place which is not a municipality constituted under the aforesaid Act, the warrant shall be addressed to the Commissioner of the Corporation or of the municipal council concerned, or to the Amildar of the taluk as the case may be: provided that such Commissioner or Amildar may endorse such warrant to a subordinate officer.

Power of entry under special order.

(4) It shall be lawful, for any officer to whom a warrant issued under sub-section (2) is addressed or endorsed, if the warrant contains a special order authorising him in this behalf, but not otherwise, to break open, at any time between sunrise and sunset, any outer or inner door or window of a building, in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given three hours' notice of his intention, and has given such women an opportunity to remove.

Warrant how to be executed.

(5) It shall also be lawful for any such officer, if authorised by the warrant, to distrain, wherever it may be found, any moveable property of the person named in the warrant issued under sub-section (1), as defaulter, subject to the following conditions, exceptions and exemptions, namely, —

(*a*) The following property shall not be distrained—

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(ii) the tools of artizans,

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood.

(*b*) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of a person authorised by or under sub-section (2) to sign a warrant or of the person to whom the warrant was addressed, should not have been so distrained, they shall forthwith be returned.

(*c*) The officer shall, on distraining the property forthwith, make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of distraint, a written notice in the form of Schedule XII.

Sale of goods distrained in special cases.

94. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the president or officer by whom the warrant was signed, shall at once give notice to the person in whose possession the property was when distrained, to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

Sale of property distrained; application of proceeds of sale.

(2) If not sold at once under sub-section (1), the property distrained or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs incidental to the notice, warrant and distress and detention of the property, is paid, be, on the expiry of the time

specified in the notice served by the officer executing the warrant, sold by public auction under the orders of the municipal council, and proceeds, or such part thereof as shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid.

Surplus, if any, how dealt with.

(3) The surplus, if any, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the person in whose possession the property was at the time of distraint but if the same be claimed by written application to the municipal council within one year from the date of the notice given under this sub-section, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the municipal council.

Distraint and sale outside the municipality.

95. Where the warrant is addressed outside the municipality, the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case, it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall apply *mutatis mutandis.* Such officer shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the authority by whom it was issued, who shall dispose of the same in accordance with the provisions of section 94.

Procedure when distraint is impracticable.

96. (1) If, for any reason, the distraint or a sufficient distraint of the defaulter's property under the foregoing provisions of this chapter is impracticable, the municipal council may prosecute the defaulter before a magistrate:

Provided that an occupier of a building or land, in respect of which any tax remains unpaid, in whole or in part, shall not be liable to prosecution in respect of any sum recoverable from him unless he has wilfully prevented distraint or a sufficient distraint of moveable property found on the building or land.

(2) Every person who is prosecuted under sub-section (1) shall be liable on proof, to the satisfaction of the magistrate, that he wilfully omitted to pay the amount

due by him, to pay a fine not exceeding twice the amount which may be due by him on account of—

(*a*) the tax and warrant fee, if any, and

(*b*) if the distraint has taken place, the distraint fee and the expenses incidental to the detention and sale, if any, of the property distrained.

(3) Whenever any person is convicted of an offence under sub-section (2), the magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the municipal council the amounts, if any, due under the heads specified in clauses (*a*) and (*b*) of sub-section (2) and may in his discretion also recover summarily and pay to the municipal council such amount, if any, as he may fix as the cost of the prosecution.

Summary proceeding may be taken against persons about to leave the municipality.

97. (1) If the municipal council shall at any time have reason to believe that any person from whom any sum recoverable under the provisions of this chapter is due or is about to become due, is about to remove from the municipal area, the municipal council may cause a bill for the sum due or about to become due to be presented to such person and demand immediate payment thereof.

(2) If, on presentation of such bill, the said person does not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale of the moveable property of the defaulter in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand and the municipal council's warrant for distress and sale may be issued and executed without any delay.

98. Fees for—

(*a*) every notice issued under sub-section (3) of section 92,

(*b*) every distress made under sub-section (5) of section 93, and

(*c*) the cost of maintaining any live-stock seized under the said sub-section,

shall be chargeable at the rates, respectively, specified in such behalf in the rules of municipal council, and shall be included in the costs of recovery to be levied under section 94.

99. (1) Appeals against any notice of demand issued under sub-section (3) of section 92, may be made to any magistrate by whom, under the directions of the Government or of the District Magistrate, such class of cases is to be tried. **Appeal to magistrates.**

But no such appeal shall be heard and determined unless—

(*a*) the appeal is brought within one month next after service of the notice of demand complained of; and

(*b*) an application in writing, stating the grounds, on which the claim is disputed, has been made as follows, that is to say:

(i) in the case of a rate on buildings or lands, to the assessor or the municipal council, as the case may be, within the time fixed in the notice given under section 71 or 72 of the assessment or alteration thereof, according to which the bill is prepared,

(ii) in the case of any other claim for which a bill has been presented under sub-section (1) of section 92, to the municipal council within fifteen days next after the presentation of such bill, and

(*c*) the amount claimed from the appellant has been deposited by him in the municipal office.

(2) The decision of the magistrate upon any appeal, shall at the instance of either party, be subject to revision by the court to which appeals from his decisions ordinarily lie. **Revision of decisions on appeal.**

(3) Effect shall be given by the municipal council to every decision of the said magistrate on any appeal or any decision in revision on such appeal.

100. All sums due on account of any tax imposed in the form of a rate on lands or buildings, or on both, mentioned in section 74, shall subject to prior payment of land revenue, if any, due to the Government thereupon, be a first charge upon the building or land, in respect of which such tax is leviable, and upon the moveable property, if any, found within or upon such building or land, and belonging to the person liable for such tax or taxes and shall be recoverable as arrears of land revenue: **Liability of land, buildings, etc., or rates.**

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Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than three years or for a period during which such occupier was not in occupation.

Suspension of power to recover by distress and sale.

101. The Government may, at any time by notification, suspend the operation of sections 93 and 94, in any municipality, and from such date as shall be fixed in this behalf in the notification, every amount due on account of any tax theretofore recoverable under the said sections, shall be recoverable on application to a magistrate, in the manner provided in sub-section (2) of section 174 for the recovery of such fines as are therein referred to, and not otherwise.

Receipts to be given for all payments.

102. For all sums paid on account of any tax under this Act, a receipt stating the amount, and the tax on account of which it has been paid shall be tendered by the person receiving the same.

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CHAPTER IX.

MUNICIPAL POWERS AND OFFENCES.

(1) *Powers in respect of streets.*

Power regarding streets, etc.

103. (1) It shall be lawful for the municipal council to lay out and make new public streets, and to construct tunnels and other works subsidiary to the same, and to widen, open, enlarge, or otherwise improve any such streets, and to turn, divert, discontinue, or stop up any such streets, and subject to the provisions of sub-section (2) of section 38, to lease or sell any such land theretofore used or acquired by the municipal council for the purposes of such streets, as may not be required for any public street or for any other purposes of this Act.

(2) In laying out or making or in turning, diverting, widening, opening, enlarging, or otherwise improving any public steet, in addition to the land required for the carriage-way and foot-way and drains thereof, the municipal council may purchase the land necessary for the houses and buildings to form the said street, and subject to the provision contained in sub-section (2) of section 38, may sell and dispose of such additional land in perpetuity or on lease for a term of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as it may think fit.

Temporary closure of streets.

104. The municipal council may, by an order in writing, temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water-supply or lighting or any of the purposes of this Act:

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

The regular line of public street.

105. (1) It shall be lawful for the municipal council to prescribe, with the sanction of the Government, a line on either side or both sides of any public street within the municipality and the municipal council may, from time to time, prescribe a fresh line in substitution of any line so prescribed or for any part thereof:

Provided that—

(*a*) at least one month previous to prescribing such line or such fresh line, as the case may be, the municipal council shall notify the same in the *Mysore Gazette* and shall give public notice of it and it shall also put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed and shall further give notice to the owners or occupiers of the lands affected by such alignment;

(*b*) the municipal council shall consider any written objection or suggestion in regard to such proposal delivered at the office of the municipal council within such time as it may specify in such public or special notice; and

(*c*) the municipal council shall prepare a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed therein which shall be open for the inspection of the public.

(2) The line for the time being so prescribed shall be called the 'regular line of the public street.'

(3) (*a*) Except under the provisions of section 126, no person shall construct or reconstruct any portion of any building, within the regular line of the public street without the permission of the municipal council under section 109.

(*b*) Where the municipal council refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall thenceforth be acquired by the municipal council and deemed part of the public street.

(*c*) Compensation, the amount of which shall, in case of dispute, be ascertained and determined in the manner provided in section 172, shall be paid by the municipal council to the owner of any land acquired by the municipal council under clause (*b*) of sub-section (3) for the value of the said land and also for any loss, damage, or expense incurred by him in consequence of any action taken or order passed by the municipal council under the said clause (*b*).

(4) Whoever contravenes the provisions of sub-section (3) shall be punished with fine which may extend to two hundred rupees; and the municipal council may—

(*a*) direct that the building be stopped, and

(*b*) by a written notice, require such building or portion thereof to be altered or demolished as it may deem necessary.

(2) *Powers to regulate, buildings, etc.*

Setting back projecting buildings.

106. (1) If any part of a building projects beyond the regular line of a public street as prescribed under section 105, or beyond the front of the building on either side thereof, the municipal council may,

(*a*) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(*b*) if the projecting part is not such external structure as aforesaid, then whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burnt down or has fallen down,

require by written notice either that the part, or some portion of the part, projecting beyond the said regular line or beyond the said front of the adjoining building on either side thereof, shall be removed, or that such building when being rebuilt shall be set back to or towards the said regular line or the front of such building. And the portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the municipal council.

Acquisition of land which is within the regular line of a street and open or occupied only by platforms, etc.

(2) If any land, not vested in the municipal council, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building other than a platform, verandah, step or other such external structure, the municipal council, after giving the owner of the and not less than fifteen clear days' written notice of its intention, or if the land is vested in the Government, then with the permission in writing of the Deputy Commissioner, may take possession of the said land with its enclosing wall, hedge or fence, if any, and if necessary, clear the same; and the land so acquired shall thenceforward be deemed a part of the public street, and be vested in the municipal council.

Compensation payable by the municipal council.

(3) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 172, shall be paid by the municipal council to the owner of any land added to a street under sub-section (1) or acquired under sub-section (2), for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the municipal council under either of the said sub-sections, provided that no such compensation shall be payable in cases to which section 131 applies.

(4) When the amount of compensation has been so ascertained and determined, or when a ruinous or dangerous building falling under sub-section (1) has been taken down under the provisions of section 131, the municipal council may, after tendering the amount of compensation, if any, as may be payable, take possession of the land so added to the street, and, if necessary, may clear the same.

Setting forward to regular line of street.

107. The municipal council may, upon such terms as it thinks fit, allow any building to set forward for improving the line of any public street in which such building is situated.

Buildings at corner of streets.

108. (1) The municipal council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent or otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired, the municipal council shall pay compensation.

(3) In determining such compensation, allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

Roofs and external walls of buildings not to be made of inflammable materials.

109. (1) The external roofs and walls of buildings erected or renewed after the coming into force of this Act shall not be made of grass, wood, cloth, canvas, leaves, mats, or other inflammable materials, except with the written consent of the municipal council, which may be given either specially in individual cases, or generally in respect of any area specified therein.

(2) The municipal council may, at any time, by written notice, require the owner of any building which has an external roof or wall made of any such materials as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice, whether such roof or wall was or was not made before the time at which this Act came into force, and whether it was made with or without the consent of the municipal council. Power to require removal of roof and wall if inflammable.

(3) Whoever, without such consent as is required by sub-section (1), makes, or causes to be made, or in disobedience to the requirements of a notice given under sub-section (2) suffers to remain, any roof or wall of such materials as aforesaid, shall be punished with a fine which may extend to twenty-five rupees, and with a further fine which may extend to ten rupees for every day on which offence is continued after the date of the first conviction. Penalty.

110. No building shall hereafter be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the municipal council, or into some stream or river, or some cesspool or other suitable place which may be approved of by the municipal council. Level of building.

111. The municipal council may require that any building, used or intended to be used as a warehouse for the storage of grain, shall be protected or erected so as to render such building rat-proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building. Rat-proof building for warehouse for storing grain.

112. (1) Before beginning to construct any building, or to alter externally or add to any existing building, or to construct or reconstruct any projecting portion of a building in respect of which the municipal council is empowered by section 106 to enforce a removal or set back, or to construct or reconstruct which the municipal council is empowered by section 105 to give permission, the person intending so to construct, alter, add or reconstruct shall give to the municipal council notice thereof in writing and shall furnish to it at the same time, a plan showing the levels at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the municipal council, and all Notice of new buildings.

information required by the bye-laws or demanded by the municipal council regarding the limits, dimension, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, sewers, privies, water-closets, and cesspools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets, and the purpose for which the building will be used.

Power of municipal council to pass orders.

(2) Save as otherwise provided in this Act or the rules and bye-laws thereunder, the municipal council may—

(*a*) either give permission to construct, alter, add or reconstruct according to the plan and information furnished, or

(*b*) impose in writing conditions, in accordance with this Act and the rules and bye-laws made thereunder, as to level, drainage, sanitation, design, materials or to the dimensions and cubical contents of rooms, doors, windows, and apertures for ventilation or to the number of storeys to be erected, or with reference to the location of the building in relation to any existing building or street, existing or projected, or the purpose for which the building is to be used, or

(*c*) direct that the work shall not be proceeded with, unless and until all questions connected with the respective location of the building and any such street have been decided to its satisfaction, or

(*d*) refuse permission to construct, alter, add or reconstruct according to the plan and information furnished, in case the Municipal Council is satisfied that the person so applying has no right to the land in question or has no right to construct, alter, add or reconstruct:

Provided that the direction in clause (*c*) shall not be in force after one year from the date on which the direction is given.

Or to suspend the work or to require further particulars.

(3) Before issuing any orders under sub-section (2), the municipal council may, within one month from the receipt of such notice, either issue,

(*a*) a provisional order directing that for a period, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(*b*) may demand further particulars.

(4) A building proposed in a notice given under sub-section (1) may be proceeded with in such manner, as may have been specified in such notice, as is not inconsistent with any provision of this Act or of any bye-law for the time being in force thereunder in the following cases, that is to say:— **Right to proceed in certain cases.**

(*a*) in case the municipal council, within one month from the receipt of the notice given under sub-section (1), has neither—

(i) passed orders under sub-section (2), and served notice thereof in respect of the intended work; nor

(ii) issued under sub-section (3), any provisional order or any demand for further particulars;

(*b*) in case the municipal council having issued such demand for, and having received in accordance with the bye-laws in force in this behalf, such further particulars, has issued no further orders within one month from the receipt of such particulars.

(5) No person who becomes entitled under sub-section (2) or sub-section (4) to proceed with any intended work of which notice is required by sub-section (1), shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of sub-sections (1) to (4).

(6) If any person begins or makes any building or alteration or addition without giving the notice required by sub-section (1), or without furnishing the plan or affording the information above prescribed, or except as provided in sub-section (4) without awaiting, or in any manner contrary to, such orders of the municipal council as may be issued under this section or contrary to the provisions of sub-section (4) or (5) or in any other respect contrary to the provisions of this Act or of any bye-law in force thereunder,

(i) the municipal council may, whether any action is taken or not against such persons under clause (ii) of this section,

(*a*) direct that the building, alteration or addition be stopped, and

(*b*) by written notice, require such building, alteration or addition to be altered or demolished as it may deem necessary ;

(ii) such person shall be punishable with fine which may extend to five hundred rupees or with simple imprisonment which may extend to one month or with both.

(7) The municipal council or any officer deputed by it may at any time inspect the erection of any building without giving notice of its or his intention to do so, and at any time during the erection of a building or the execution of any such work as aforesaid, may by written notice specify any matter in respect of which the erection of such building, or the execution of such work, may be in contravention of any provision of this Act or of any bye-law made under this Act at the time in force, and require the person erecting or executing, or who has erected or executed such building or work, or if the person who has erected or executed such building or work is not at the time of notice the owner thereof, then the owner of such building or work to cause anything done contrary to any such provision or bye-law to be amended, or to do anything which, by any such provision or bye-law, he may be required to do but which has been omitted.

Explanation.—The expression "to erect a building" throughout this chapter includes—

(*a*) any material alteration, enlargement or reconstruction of any building,

(*b*) the conversion into a place as human habitation of any building not originally constructed for human habitation,

(*c*) the conversion into more than one place for human habitation of a building originally constructed as one such place,

(*d*) the conversion of two or more places of human habitation into a greater number of such places,

(*e*) such alterations of the internal arrangements of a building as affect its drainage, ventilation or other sanitary arrangements, or its security or stability, and

(*f*) the addition of any rooms, buildings or other structures to any building.

And a building so altered, enlarged, re-constructed, converted, or added to, shall, for the purpose of this chapter be deemed to be a new building.

113. (1) Notwithstanding anything contained in section 118, the Government may, in the public interest and after consulting the municipal council, prohibit by notification published in the *Mysore Gazette* the erection of any building within a specified area in a municipality, except with permission granted by the Government in this behalf:

Power of Government to prohibit the erection of buildings in certain area without permission.

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification.

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall, on conviction before a magistrate, be punished with fine which may extend to two hundred rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2).

114. It shall not be lawful for any person to erect any hut or shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Act comes into operation, without giving previous notice to the municipal council, and the municipal council may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the municipal council may think proper for ventilation and to facilitate scavenging, and at such a level as will admit of sufficient drainage, and may require such huts to be provided with such number of privies and such means of drainage as to it may seem necessary. If any hut or shed or range or block be built without giving such notice to the municipal council, or otherwise than as required by the municipal council, the municipal council may give written notice to the owner or builder thereof or to the owner or occupier of the land

Regulation of huts.

on which the same is erected or is being erected, requiring him within such reasonable time as shall be specified in the notice to take down and remove the same, or to make such alterations therein or additions thereto as, having regard to sanitary considerations, the municipal council may think fit.

Improvement of huts.

115. (1) Whenever the President is of opinion that any huts or sheds, whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Act comes into operation, or subsequently erected, are by reason—

(*a*) of insufficient ventilation or of the manner in which such huts or sheds are crowded together, or

(*b*) of the want of a plinth or of a sufficient plinth or of sufficient drainage, or

(*c*) of the impracticability of scavenging,

attended with risk of disease to the inhabitants of the neighbourhood, it shall cause a notice to be affixed to some conspicuous part of each such hut or shed, requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the President for that purpose, to take down and remove such hut or shed, or to execute such operations as the President may deem necessary for the avoidance of such risk. Any person aggrieved by an order of the President under this sub-section may apply to the Municipal Council to cancel, amend or revise such order and the Municipal Council may, on such application cancel, amend or otherwise revise the order of the President.

(2) In case any such owner or occupier shall refuse or neglect to take down and remove such huts or sheds, or to execute such operations within the time appointed, the President may cause the said huts or sheds to be taken down, or such operations to be performed in respect of such huts or sheds as it may deem necessary to prevent such risk.

(3) If such huts or sheds be pulled down by the President, the President shall cause the materials of each hut or shed to be sold separately, if such sale can be effected, and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner be unknown or the title disputed, shall be held in deposit by the President until the person interested

therein shall obtain the order of a competent Court for the payment of the same:

Provided always that, in case any huts or sheds, existing at the time when the land on which they are situate, first became part of a municipality, should be pulled down under this section by order of the President or in pursuance of its notice, compensation shall further be made to the owner or owners thereof, and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in section 172.

(3) *Powers connected with drainage, water-works, etc.*

116. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall be under the survey and control of the municipal council. **Municipal control over drains, etc.**

(2) All covered sewers and drains, and all cesspools, whether public or private, shall be provided by the municipal council or other person to whom they severally belong, with proper traps, or other coverings or means of ventilation, and the municipal council may, by written notice, call upon the owner of any such covered sewers, drains or cesspools to make provision accordingly.

117. (1) In order to carry out any drainage scheme, it shall be lawful for a municipal council to carry any drain, sewer, conduit, tunnel, culvert, pipe or water-course through, across or under any street or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the municipality. **Powers for making drains.**

(2) The municipal council or any officer appointed by it for such purpose may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the municipal council has been already constructed, or may repair or alter any drain vested in the municipal council.

(3) In the exercise of any power under this section, no unnecessary damage shall be done, and compensation, which shall, in case of dispute, be ascertained and determined in the manner provided in section 172 shall be paid by the municipal council to any person who sustains damage by the exercise of such power.

Sufficient drainage of houses.

118. (1) If any building or land be at any time undrained, or not drained to the satisfaction of the municipal council, the municipal council may, by written notice, call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as it thinks necessary for the drainage of such building or land into—

(*a*) some drain or sewer, if there be a suitable drain or sewer within fifty feet of any part of such building or land, or

(*b*) a covered cesspool to be provided by such owner.

New buildings not to be erected without drains.

(2) It shall not be lawful newly to erect any building, or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until—

(*a*) a drain be constructed, of such size, materials and description, at such level, and with such fall, as shall appear to the municipal council to be necessary for the effectual drainage of such building;

(*b*) there have been provided for and set up in such building and in the land appurtenant thereto all such appliances and fittings as may appear to the municipal council to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(3) The drain to be constructed as aforesaid shall empty into a municipal drain, or into some place legally set apart for the discharge of drainage, situated at a distance not exceeding fifty feet from such building; but if there is no such drain or place within that distance, then such drain shall empty into such cesspool as the municipal council directs.

Power of owners and occupiers of buildings or lands to drain into municipal drains.

119. The owner or occupier of any building or land within the municipality shall be entitled to cause his drain to empty into sewers of the municipal council, provided that he first obtains the written permission of the municipal council, and that he complies with such conditions as the municipal council prescribes, as to the mode in which the superintendence under which the communications are to be made between drains not vested in the municipal council and drains which are so vested.

120. (1) In case the municipal council shall be of opinion that any privy, or cesspool, or additional privies, or cesspools, should be provided in or on any building or land, or shifted or removed from any building or land or, in any municipality in which a water-closet system has been introduced, that water-closets should be substituted for the existing privies in or on any building or land, or that additional water-closets should be provided therein or thereon, the municipal council may, by written notice, call upon the owner of such building or land to provide such privies, cesspools or water-closets as the municipal council may deem proper. Provision of privies, etc.

(2) The municipal council may, by written notice, require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the municipal council may direct, and to cause the same to be kept in proper order, and to be daily cleaned.

(3) The municipal council may, by written notice, require the owner or occupier of any land upon which there is a privy, to have such privy shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood, or to alter as it may direct any privy door or trap door which opens on to any street, and which it deems to be a nuisance.

121. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall, unless constructed at the cost of the municipal council, be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued, and the municipal council may, by written notice, require such owner to alter, repair and put the same in good order in such manner as it thinks fit. Cost of altering, repairing and keeping in proper order privies, etc.

(2) The municipal council may, by written notice, require the owner to demolish or close any privy or cesspool, whether constructed before or after the coming into operation of this Act, which, in the opinion of the municipal council, is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleaned or kept in good order.

Power in respect of sewers, etc., unauthorisedly constructed, rebuilt or unstopped.

122. The municipal council may, by written notice require that any sewer, drain, privy, water-closet, house-gully or cesspool on any land within municipal limits, constructed, or rebuilt or unstopped—

(*a*) after such land became part of a municipality, and

(*b*) either without the consent or contrary to the orders, directions or general regulation or bye-laws of the municipal council, or contrary to the provisions of any enactment in force at the time when it was so constructed, rebuilt or unstopped,

shall be demolished, amended or altered, as it may deem fit, by the person by whom it was so constructed, rebuilt or unstopped, and every person so constructing, rebuilding or unstopping, any such sewer, drain, privy, water-closet, house-gully or cesspool, whether he does or does not receive such notice, or does or does not comply therewith, shall, in addition to any penalty to which he may be liable on account of such non-compliance, be punished with fine which may extend to twenty-five rupees.

Encroachment on municipal drains, etc.

123. (1) Whoever, without the written consent of the municipal council first obtained, makes or causes to be made any drain into or out from any of the sewers or drains vested in the municipal council, shall be punished with fine which may extend to twenty-five rupees, and the municipal council may, by written notice, require such person to demolish, alter, re-make or otherwise deal with such drain as it may think fit.

(2) No building shall be newly erected or rebuilt over any sewer, drain, culvert or gutter vested in the municipal council without the written consent of the municipal council, and the municipal council may, by written notice, require the person who may have erected or rebuilt such building to pull down or otherwise deal with the same as it may think fit.

Inspection of drains, etc.

124. The municipal council or any officer appointed by it for such purposes may, subject to the restrictions of this Act, inspect any sewer, drain, privy, water-closet, house-gully or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings with assistants and workmen, and cause the ground to be opened where he or it may think fit, doing as little damage as may be.

125. The water supply department of the Government or the municipal council, as the case may be, in whom the duty of construction and maintenance of water works for supply of water to the municipality vests, shall have the same powers and be subject to the same restrictions for carrying, renewing, and repairing water mains, pipes and ducts within or without the municipality as the municipal council has and is subject to, under the provisions hereinbefore contained for carrying, renewing and repairing drains within the municipality. **Power of carrying water mains, etc.**

(4) *Powers regarding external structures, etc.*

126. (1) The municipal council may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof, at such height from the surface of the street as the municipal council may fix by bye-laws from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall, and may prescribe the extent to which and the conditions under which roofs, eaves, weather-boards, shop-boards and the like may be allowed to project over such streets. **Permission necessary for certain projections.**

(2) Any such owner or occupier putting up any such projections as aforesaid without such permission or in contravention of such orders, shall be punished with fine which may extend to twenty-five rupees, and if any such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues.

(3) The municipal council may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a municipality, shall have been erected or placed against or in front of such building, and which— **Removal of projections.**

(*a*) overhangs or juts into or in any way projects or encroaches upon any public street, so as to be an obstruction to safe and convenient passage along such street, or which

(b) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof:

Provided always that the municipal council shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a municipality, or after such date with the written permission of the municipal council make reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner provided in section 172.

Troughs and pipes for rain water.

127. The municipal council may, by written notice, require the owner of every building in any street to put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging the same, in such manner as it may think fit, so that it shall not fall upon the persons passing along the street or cause damage to the street.

Fixing of brackets, etc., to houses.

128. The municipal council may erect or fix to the outside of any building, brackets for lamps to be lighted with oil or gas, or subject to the provisions of any law in force relating to electricity, for lamps to be lighted with electricity or otherwise, or subject to the provisions of the law in force relating to telegraphs, for telegraph wires or telephonic wires, or for the conduct of electricity for locomotive or other purposes, or such pipes as it may deem necessary for the proper ventilation of sewers and water-works, and such brackets and pipes shall be erected so as not to occasion any inconvenience or nuisance to the said building or any others in the neighbourhood.

Naming streets and numbering houses.

129. (1) The municipal council may, from time to time, cause to be put up or painted on a conspicuous part of any building at or near each end, corner, or entrance to every street, the name by which such street is to be known and may, from time to time, fix a number in a conspicuous place on the outer side of any building, or at the entrance of the enclosure thereof fronting the street.

(2) Any person who destroys, pulls down or defaces any such name or number, or puts any name or number different from that put up by the municipal council and any owner or occupier of any building who shall not at his own expense keep such number in good order after it has been put up thereon, shall be punished with fine which may extend to twenty-five rupees.

130. The municipal council may, by written notice, require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet from the level of the street, and width of four feet, and to cut down, lop or trim all trees or shrubs which in any way overhang, endanger or obstruct or which it deems likely to overhang, endanger or obstruct any public street or to cause damage thereto, or which so overhang any public tank, well or other provision for water-supply as to pollute or be likely to pollute the water thereof. **Removal and trimming of hedges, trees, etc.**

(5) *Powers for promotion of public health, safety and convenience.*

131. (1) If any building or any thing affixed thereon, be deemed by the municipal council to be in a ruinous state or likely to fall, or in any other way dangerous to any inhabitant of such building, or of any neighbouring building, or to any occupier thereof, or to passengers, the municipal council shall immediately, if it appears to it to be necessary, cause a proper hoarding or fence to be put up for the protection of passengers; all expenses incurred by the municipal council under this sub-section shall be paid by the owner or occupier of such building, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII. **Ruinous or dangerous buildings.**

(2) The municipal council shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or repair such building or thing affixed thereon, as the case shall require, and if such owner or occupier does not begin to repair, take down, or secure such building or thing within three days after the service of such notice, and complete such work with due diligence, the municipal **Action to be taken on default by owner or occupier.**

council shall cause all or so much of such building or thing, as it shall think necessary, to be taken down, repaired, or otherwise secured:

Proviso if danger is not imminent.

Provided always that if the danger be not of hourly imminence, it shall be at the discretion of the municipal council, instead of itself causing a hoarding or fence to be put up, to issue in the first instance a notice in writing to the owner or occupier to put up a proper hoarding or fence, and in the event of the owner or occupier failing to put up within two days from the service of such notice, a hoarding or fence which the municipal council considers sufficient in the circumstances of the case, the municipal council shall at once cause such hoarding or fence to be put up and thereafter proceed as provided in sub-sections (1) and (2).

Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply.

132. (1) The municipal council may at any time by written notice require that the owner of, or any person who has the control over, any well, stream, channel, tank or other source of water-supply shall, whether it is private property or not,

(*a*) keep and maintain any such source of water-supply, other than a stream, in good repair, or

(*b*) within a reasonable time to be specified in the notice, cleanse any such source of water-supply from silt, refuse and decaying vegetation, or

(*c*) in such manner as the municipal council prescribes, protect any such source of water-supply from pollution by surface drainage, or

(*d*) within twenty-four hours of such notice, repair, protect or enclose in such manner as the municipal council approves, any such source of water-supply, other than a stream in its natural flow, if for want of sufficient repair, protection, or enclosure, such source of water-supply is, in the opinion of the municipal council, dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same, or

(*e*) desist from using and from permitting others to use for drinking purposes any such source of water-supply which, not being a stream in its

natural flow, is proved to the satisfaction of the municipal council to be unfit for drinking; or

(*f*) if, notwithstanding any such notice under clause (*e*), such use continues and cannot, in the opinion of the municipal council, be otherwise prevented, close either temporarily or permanently or fill up or enclose or fence in such manner as the municipal council considers sufficient to prevent such use, such source of water-supply as aforesaid; or

(*g*) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the municipal council considers is injurious to health or offensive to the neighbourhood.

Remedy for non-compliance with direction issued.

(2) If the owner or person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of sub-section (1), the municipal council may, and if, in its opinion, immediate action is necessary to protect the health or safety of any person shall at once proceed to execute the work required by such notice, and all the expenses incurred therein by the municipal council shall be paid by the owner of, or person having control over, such water-supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII:

Provided that, in the case of any well or private stream or of any private channel, tank or other source of water-supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by the municipal council or necessarily incurred by such owner or person having such control may, if the municipal council so directs, be paid from the municipal fund.

Displacing pavements, etc.

133. (1) Whoever displaces, takes up, or makes any alteration in the pavement, gutter, flags, or other materials, of any public street, or the fences, walls, or posts thereof, or any municipal lamp, lamp-post, bracket, water-post, hydrant, or other such municipal property therein, without the written consent of the municipal council or other lawful authority, shall be punished with fine which may extend to one hundred rupees.

Penalty for failure to replace after notice.

(2) Any person who having displaced, taken up or made alteration in any such pavement, gutter, flags, or other materials, or in the fences, walls, posts, municipal lamps, lamp-posts, brackets, water-posts, hydrants, or other municipal property of any public street, fails to replace or restore the same to the satisfaction of the municipal council after notice to do so, shall be punished with fine which may extend to fifty rupees, and shall pay any expense which may be incurred in restoring the street, and such expense shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Obstruction and encroachments upon public streets and open spaces.

134. (1) Whoever in any place after it has become a municipality shall have built or set up, or shall build or set up, any wall or any fence, rail post, stall, verandah, platform, plinth, step or any projecting structure or thing, or other encroachment or obstruction except steps over drains in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise or any other thing in such street, or in or over or upon, any open drain, gutter, sewer, or aqueduct in such street, shall be punished with fine which may extend to twenty-five rupees.

(2) The municipal council shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the municipal council or not, provided that if the space be vested in the Government, the permission of the Deputy Commissioner shall have first been obtained and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand, or other material from, or makes any encroachment in or upon, any open space which is not private property shall be punished with fine which may extend to fifty rupees, and in the case of an encroachment, with further fine which may extend to ten rupees

for every day on which the encroachment continues after the date of first conviction for such offence.

(4) Nothing contained in this section shall prevent the municipal council from allowing any temporary occupation of or erection in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than four days, and in such manner as not to inconvenience the public or any individual.

(5) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 126, or in any case where permission has been given under sub-section (4) of this section.

Hoardings to be set up during repairs etc.

135. (1) Every person intending to build or take down any building, or to alter or repair the outward part of any building, in such a position or in such circumstances as that the work is likely to cause or may cause obstruction, danger or inconvenience in any street, shall before beginning such work—

(*a*) first obtain a licence in writing from the municipal council so to do, and

(*b*) cause sufficient hoardings or fences to be put up in order to separate the building where such works are being carried on from the street, and shall maintain such hoarding or fence standing and in good condition to the satisfaction of the municipal council during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the municipal council.

(2) Whoever contravenes any of the provisions of this section shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

Fencing and lighting during repairs, etc.

136. (1) The municipal council shall, during the construction or repair of any of the streets, sewers, drains or other premises vested in it, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings, and shall cause such bars, chains,

or posts to be fixed across or in any of the streets, to prevent the passage of carriages, carts, or other vehicles or of cattle or horses, while such works are carried on, as to it shall seem proper; and the municipal council shall cause any sewer or drain or other works in streets, during the construction or repair thereof, to be lighted with a sufficient light and guarded during the night.

(2) Whoever takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any such light, without the authority or consent of the municipal council, shall be punished with fine which may extend to fifty rupees.

Timber not to be deposited or hole made in a street without permission.

137. (1) No person shall, without the written permission of the municipal council or otherwise than in accordance with such conditions as may therein be prescribed, make a hole in any street, or erect or deposit thereon any timber, stone, brick, earth or other material that has been, or is intended to be, used for building; and such permission shall be terminable at the discretion of the municipal council; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure, to the satisfaction of the municipal council, and shall cause the same to be sufficiently lighted during the night.

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues after the date of the first conviction.

Provision as to dogs.

138. (1) The municipal council may, by public notice require that every dog, while in the streets and not being led by some person, shall be muzzled in such a way as to allow the dog freely to breathe and to drink, while effectually preventing it from biting.

(2) Subject to the provisions of sub-section (3), the municipal council may take possession of any dog found wandering unmuzzled in any public place and may either detain such dog until its owner has claimed it, has provided

a proper muzzle for it and has paid all the expenses of its detention, or cause it to be destroyed.

(3) When a dog which has been detained under the last preceding sub-section is wearing a collar with the owner's name and address thereon, such dog shall not be destroyed until a letter stating the fact that it has been so detained has been sent to the said address, and the dog has remained unclaimed for three clear days: provided that any dog which is found to be rabid may be destroyed at any time.

(4) Any unclaimed dog and any dog, the owner of which refuses to pay all the expenses of its detention, may be sold or destroyed, after having been detained for the said period of three clear days.

(5) All expenses incurred by the municipal council under this section may be recovered from the owner of any dog which has been taken possession of or detained in the manner provided by Chapter VIII.

(6) Powers for the prevention of nuisance.

139. (1) Whoever deposits or causes or suffers any member of his family or household to deposit any dust, dirt, dung, ashes, garden, kitchen or stable refuse or filth of any kind, or any animal matter or any broken glass or earthenware or other rubbish or any other thing that is or may be a nuisance, in any street or in any arch under a street or in any drain beside a street or on any open space or on the bank of any river, water-course or nallah, except at such places, in such manner, and at such hours as shall be fixed by the municipal council, and whoever commits or suffers any member of his family to commit nuisance in any such place as aforesaid, shall be punished with fine which may extend to twenty-five rupees. Depositing dust, etc.

(2) Whoever throws or puts or causes or suffers any member of his family or household to throw or put any of the matter above described or, except with the permission of the municipal council, any night soil into any sewer, drain, culvert, tunnel, gutter or water-course, and whoever commits nuisance, or suffers any member of his family to commit nuisance, in any such drain, culvert, tunnel or water-course, or in such close proximity thereto as to pollute the same, shall be punished with fine which may extend to twenty-five rupees.

Discharging sewage, etc.

140. Whoever causes or allows the water of any sink or sewer or any other liquid or other matter which is or which is likely to become offensive, from any building or land under his control, to run, drain, or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the municipal council or who fails to comply with any condition prescribed in such permission, shall be punished with fine which may extend to twenty-five rupees.

Non-removal of filth, etc.

141. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth from and to cleanse and purify such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall be punished with fine which may extend to twenty-five rupees and with further fine which may extend to five rupees for every day on which such offence is continued, after the date of the first conviction.

Filthy buildings, etc.

142. (1) Whoever, being the owner or occupier of any building or land, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state or in the opinion of the municipal council a nuisance to persons residing in the neighbourhood, or overgrown with prickly-pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing by the municipal council to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which the failure to comply with the said notice is continued, after the date of the first conviction.

(2) Should the state of the building be such as in the judgment of the municipal council to render it unfit

for human habitation, it may further, by written notice, prohibit the using thereof for that purpose until it is so rendered fit.

Power to enter and inspect, etc., buildings.

143. It shall be lawful for the president, vice-president, or any councillor or officer authorised by the municipal council in this behalf, at any time between sunrise and sunset, on giving such notice as hereinafter provided, to enter into and inspect all buildings and lands and by written notice to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleansed for sanitary reasons.

Abatement of nuisances from wells, etc.

144. (1) If, in the opinion of the municipal council—

(*a*) any pool, ditch, quarry, hole, excavation, tank, well, pond, drain, water-course, or any collection of water, or

(*b*) any cistern or other receptacle for water whether within or outside a building, or

(*c*) any land on which water accumulates and which is situate within a distance of one hundred yards from any building used as a dwelling house,

is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the municipal council may, by notice in writing, require the owner thereof to fill up, cover over or drain off the same in such manner and with such materials as the municipal council shall prescribe or to take such order with the same for removing or abating the nuisance as the municipal council shall prescribe.

(2) (*a*) No new tank or pond shall be dug or constructed without the previous permission in writing of the municipal council.

(*b*) If any such work is begun or completed without such permission, the municipal council may either—

(i) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the municipal council shall prescribe; or

(ii) grant written permission to retain such work; but such permission shall not exempt such owner from proceedings for contravening the provisions of clause (*a*) of this sub-section.

Regulation or prohibition of certain kinds of cultivation.

145. The municipal council, on the report of the Director of Public Health, the health officer, or the local medical officer that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any place within the limits of the municipality is injurious to the public health may, with the previous sanction of the Government, by public notice, regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious:

Provided that when such cultivation or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested for any damage caused to them by absolute prohibition.

Using offensive manure, etc.

146. Whoever, except with the written permission of the municipal council, and in the way, if any, enjoined in such permission, stores or uses nightsoil or other manure or substance emitting an offensive smell shall be punished with fine which may extend to twenty-five rupees.

Tethering cattle, etc.

147. (1) Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper, shall be punished with fine which may extend to twenty-five rupees.

Keeping swine.

(2) Whoever keeps any swine so as to be a nuisance shall be punished with fine which may extend to ten rupees.

Feeding animals on filth.

148. Whoever feeds any animal which is kept for dairy purposes or is intended for human food on excrementitious matter, stable refuse, filth, or other offensive matter, or permits such animal to feed or to be fed on such matter, shall be punished with fine which may extend to fifty rupees.

Licences to be taken for burning bricks.

149. (1) No place within municipal limits shall be used for burning bricks without a licence from the municipal

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council and except in accordance with the conditions specified therein.

(2) The municipal council may, by an order and under such restrictions as it thinks fit, grant or refuse to grant such licence.

(3) Every such licence shall expire on such date as may be specified therein.

(7) Regulation of markets, sale of food, etc.

Licensing markets, slaughter-houses and certain businesses.

150. (1) It shall be lawful for the municipal council to direct that no place not belonging to or vested in the municipal council shall be used for any of the purposes specified in sub-clauses (i), (ii), (iv) and (v) of clause (*b*) of sub-section (1) of section 48, except under and in accordance with the conditions of a licence from the municipal council which may, at its discretion from time to time, grant, suspend, withhold or withdraw such licences either generally or in individual cases.

(2) The municipal council may, having regard to the local conditions of the municipality, fix the number and category of places which may be used for the purposes specified in sub-clause (iv) of clause (*b*) of sub-section (1) of section 48, and direct the closure of such places, as may be specified by it, used for the said purposes, in excess of those fixed by it :

Provided that no place shall be directed to be closed except after notice of not less than thirty days.

(3) Whoever uses or permits the use of any place contrary to the direction, or without the licence required by sub-section (1), or in contravention of any of the conditions or during the suspension or contrary to a direction under sub-section (2) directing the closure of the place, shall be punished with fine which may extend to twenty-five rupees.

(4) Upon a conviction being obtained in respect of any place under sub-section (3) of this section, the magistrate shall, on the application of the municipal council but not otherwise, order such place to be closed, and thereupon appoint persons or take other steps to prevent such place being so used ; and every person who so uses or permits the use of a place after it has been so ordered to be closed,

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shall be punished with fine which may extend to five rupees for each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed.

Opening, closing and letting of markets and slaughter-houses.

151. (1) The municipal council may, from time to time, open or close any public market or slaughter-house. It may also either take stallage or other rents or fees for the use by any person of any such market or slaughter-house or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughter-house, and levy fees on any animal slaughtered in any slaughter-house, for purposes of consumption.

(2) Any person who, without the permission or licence of the municipal council, shall sell or expose for sale any article in the said markets, or use the said slaughter-houses, shall be punished with fine which may extend to twenty-five rupees.

(3) It shall be lawful for the municipal council to lease for a period not exceeding one year at a time by public auction or private contract the collecting of any rent or fees which may be imposed under sub-section (1).

Slaughter-houses, etc., beyond municipal limits.

152. It shall be lawful for the municipal council with the sanction of the Deputy Commissioner, to establish slaughter-houses, or places for the disposal of carcasses of animals, beyond the limits of the municipality, and all provisions of this Act and of bye-laws in force thereunder relating to such places within municipal limits shall have full force therein, as if such places were within the municipal limits.

Registry for shops for sale of European drugs.

153. (1) No shop or place shall be kept for the retail sale of drugs recognised by the British Pharmacopœia, not being also articles of ordinary domestic consumption, unless the same is registered in the office of the municipal council within two months after the commencement of this Act or if the shop or place is established after the commencement of this Act then, within two months from the date of its establishment. Any keeper of such shop or place failing to so register the same shall be liable to a fine not exceeding one hundred rupees. The municipal council shall, upon payment of such fees as may be

prescribed in this behalf, register such shop or place in a book kept for the purpose and grant the keeper of the shop or place a licence which shall be displayed in some conspicuous part of the premises registered.

Certificated dispensers.

(2) No person shall compound, mix, prepare, dispense or sell any drug in any such registered shop or place unless he be duly certified as a fit person to be entrusted with the duties prescribed in this behalf; and every such person shall be bound to produce his certificate for inspection when required to do so by a magistrate, a medical officer not below the rank of an assistant surgeon or the health officer of the municipality.

Uncertificated person dispensing drugs.

154. (1) Whoever, within a municipality, not being the holder of such certificate as is mentioned in sub-section (2) of section 153, shall compound, mix, prepare or sell any drugs, shall, on conviction before a magistrate, be liable to a fine not exceeding fifty rupees for each offence; and any owner, occupier or keeper of any such shop or place who shall employ any such uncertificated person to perform any one or more of such duties, shall, on conviction before a magistrate, be liable to a fine not exceeding two hundred rupees and shall be further liable at the discretion of such magistrate to forfeit his licence.

(2) Whoever, being the holder of such a certificate as is mentioned in sub-section (2) of section 153, fails to produce the same for inspection when called upon to do so by any of the officers mentioned in the said sub-section shall, on conviction before a magistrate, be liable to a fine not exceeding ten rupees.

Unwholesome articles of food and drink.

155. (1) The president or any person authorised by the municipal council in this behalf, may, at any reasonable time, enter into and inspect any market, building, shop, stall or place used for the storage or sale of articles of food or drink or of drugs, or used for the slaughter of animals, and examine any article of food or drink or any drug or animal which may be therein, and if any article of food or drink or any drug or animal therein appears to be intended for human consumption and to be unfit therefor, he may seize the same.

(2) If the owner or person in whose possession such article, drug or animal is found consents thereto, the president or the authorised person may destory it, or

dispose of it so as to prevent its being exposed for sale or use for human consumption.

(3) If such article or drug is of a perishable nature, it may be disposed of in the manner specified in sub-section (2) without the consent of the person in possession.

(4) No article of food or drink shall be exposed for sale without proper and hygienic protection.

(5) In cases not falling under sub-sections (2) and (3), the article, drug or animal seized as aforesaid shall be removed forthwith and placed before a magistrate for orders under sub-section (6).

(6) If any animal, article or drug is brought before a magistrate under sub-section (5), the magistrate, on its being proved that the article or animal was intended for human consumption and is unfit therefor, or that the drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may order the article or animal to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human consumption, and the drug to be dealt with, as he may think fit, and may direct that the owner or person in possession of such article, animal or drug shall be punished with fine which may extend to one hundred rupees:

Provided that a person who is in possession of any article or animal or drug as a carrier or bailee thereof, in ignorance of its nature shall not be liable to fine under this section.

False weights and measures and instruments for weighing.

156. The president, vice-president, executive officer and health officer or any councillor or officer authorised by the municipal council in this behalf, may at all reasonable times enter into any place used for the sale of articles used for human food or drink or for medicine, and inspect the instruments for weighing and the weights and measures in use; and if the person in charge be found in possession of any false or defective weights or measures, or of weights or measures or of any instruments for weighing by the use of which the public may be defrauded, he shall be punished with fine which may extend to two hundred and fifty rupees.

(8) *Prevention of Dangerous Diseases.*

157. (1) Every municipal council may, subject to such limitations, restrictions and conditions, if any, as may be prescribed in this behalf, exercise all or any of the powers specified in sub-section (2) for the prevention of dangerous diseases.

Powers which may at any time be exercised.

(2) The powers, which may be exercised under the preceding sub-section are—

(*a*) power by orders, which may be either of special or general application, to direct that every medical practitioner who knows or may have reason to believe that any person whom he has visited in his professional capacity in any dwelling not being a hospital, or that every manager of any factory or educational institution, or every head of a household, who knows or has reason to believe that any person who resides in any dwelling under the management or control of any such manager or head of a household, is suffering from any illness which may reasonably be supposed to be a dangerous disease, shall give information of the same with the least practicable delay to such person as may be designated by the municipal council in that behalf;

(*b*) power to direct or authorise the inspection without notice, or with such notice as to the person directed or authorised to inspect appears reasonable of any place in which any dangerous disease is reported or suspected to exist and the taking of measures to prevent the spread of the disease beyond such place;

(*c*) power to prohibit the removal of water for the purpose of drinking from any well, tank or other place, which may appear to the municipal council, on the advice of the medical officer, likely to engender or cause the spread of any dangerous disease;

(*d*) power to require, by written notice, the owner or occupier of any building, or part of a building, or a person owning or in charge of any article therein, to cleanse or disinfect such building or part thereof or article, either at his own expense, or

in case of poverty, or for other cause which the municipal council in the circumstances of the case considers reasonable, at the expense of the municipal council;

(*e*) power to prohibit the letting of or the providing of accommodation in any hotel, inn, dharmasala, chattram or musafirkhana in which a person has, or in which there is reason to believe that a person has, been suffering from a dangerous disease, unless and until the person desiring so to let or provide accommodation shall have had the building, or part thereof, and any article therein likely to retain infection, disinfected to the satisfaction of the municipal council or of such officer as the municipal council appoints in this behalf;

(*f*) power, with the previous permission in each case of a magistrate exercising not less than second class powers, to destroy any insanitary huts or sheds in which there is reason to believe that persons have been suffering from dangerous disease.

(3) The municipal council may, in its discretion, give compensation to any person who sustains substantial loss by the destruction of any property under this section, but except as allowed by the municipal council, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

Penalties for disobedience of an order passed in exercise of such powers.

(4) Any person who, in a municipality, disobeys any order which is for the time being in force therein, and which has been passed by the municipal council in exercise of any power conferred on such municipal council by this section, or obstructs any officer of the municipal council or other person acting under the authority of the municipal council in carrying out executively any such order, shall be punished with fine which may extend to two hundred rupees.

Duties of municipal council in respect of diseases among horses, dogs, cattle, sheep, or goats.

158. If, in any municipality, any infectious disease amongst horses, dogs, cattle, sheep or goats breaks out, or if the introduction of any such disease appears to be likely, the municipal council shall take all such measures as it deems necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the outbreak or introduction thereof.

159. (1) Whenever the municipal council considers the interior of a building is so overcrowded as to be or to be likely to become dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the municipal council may cause proceedings to be taken before a magistrate of the first class for the purpose of obtaining an order to prevent such overcrowding.

Proceedings to abate the overcrowding of the interiors of buildings.

(2) Such magistrate may, on the production of a certificate by a medical officer stating his opinion that the overcrowding complained of is likely to cause disease or risk of disease, and after such further enquiry, if any, as may appear to such magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.

(3) If the said building shall have been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purpose of this sub-section, be deemed to be the owner of the building.

(4) It shall be incumbent on any owner to whom a requisition is issued under sub-section (2), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fulfil the conditions prescribed thereby, written notice to vacate the said building within the period specified in such requisition and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

(5) Any owner who, after the date specified in any requisition issued under sub-section (2), permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (4), shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such commission to vacate, continues.

160. (1) If the municipal council be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become injurious to health

Closing places for disposal of the dead.

it may submit its opinion with the reasons therefor to the Government, and the Government thereupon, after such further enquiry, if any, as it shall deem fit to cause to be made, may, by notification, direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.

(2) A copy of the said notification together with a translation thereof in Kannada shall be published in the *Mysore Gazette* and shall be posted up at the municipal office and in one or more conspicuous spots in or near the place to which the same relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure of the same, shall be punished with fine which may extend to one hundred rupees.

(9) *Nuisances from certain trades and occupations.*

Regulation of certain trades.

161. (1) No place within the limits of the town shall be used for any of the purposes mentioned in Schedule XIII without a license obtained from the municipal council and except in accordance with the conditions specified therein.

(2) The president shall, if so required by the municipal council, publish a notification in the *Mysore Gazette* and in two or more local newspapers that any place at a distance within two miles of the limits of the municipality shall not be used for any one or more of the purposes mentioned in Schedule XIII without a licence obtained from the President and except in accordance with the conditions specified therein:

Provided that no such notification shall take effect—

(*a*) unless the sanction of the Government has been obtained therefor; and

(*b*) until the expiry of thirty days from the date of its publication in the *Mysore Gazette.*

(3) The owner or occupier of every place for the use of which for any purpose a license is required under sub-section (1) or sub-section (2) shall apply to the President for such license, not less, than thirty days of the publication of the notification under sub-section (2) in the *Mysore Gazette*, as the case may be.

(4) Every application for a license for the use of any place for the purpose of storing or selling explosives, timber or other combustible materials shall contain a statement showing the boundaries and the measurements of such place.

(5) The President may grant such licenses, subject to such restrictions and regulations as may be specified by him therein; or he may refuse to grant such license.

(6) Every such license shall expire at the end of the year for which it is granted, or at such earlier date as the President may, for special reason, specify in the license.

(7) Applications for renewal of such licenses shall be made not less than thirty days before the commencement of the year for which the renewal is sought.

(8) Where a license is granted under this section for the use of any place outside the limits of the municipality, the municipal council shall pay to the local authority within the limits of which such place is situated, such proportion of the fee received by the municipal council for the grant or renewal of such license as the Government may, by general or special order, determine.

Factories in crowded localities.

162. (1) In any municipality, no person shall establish in any premises any factory, as defined in the Mysore Factories Act, 1936, without the previous written permission of the municipal council.

(2) The municipal council may refuse to give such permission if it be of opinion that the establishment of such factory in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood or in any other manner contravenes the terms of any bye-laws framed in this behalf.

(3) Whoever establishes in any premises any factory, as aforesaid without or after the refusal of such permission, or in contravention of the terms of any bye-laws framed in this behalf, shall be punished with fine which may extend to five hundred rupees.

Use of siren or whistle for summoning or dismissing workmen.

163. (1) In any municipality, no person shall use or employ in any factory, or any other place, any whistle or trumpet operated by steam, mechanical means or electricity, for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the municipal council.

(2) The municipal council may grant such license, subject to such conditions as it may deem fit and may at any time withdraw such license on giving one month's notice to the licensee:

Provided that where the license has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without, or in contravention of any of the conditions of or after the withdrawal of such license shall be punished with fine which may extend to fifty rupees.

Use of loud speakers.

164. In any municipality, no person shall use in any place a loud speaker of any kind except under and in accordance with the conditions of a license from the President of the municipal council:

Provided that this section shall not apply to any place of public meeting or public resort.

Brothels.

165. In any municipality, any magistrate of the first class, onreceiving information that a house within the limits of such municipality is used as a brothel, may summon the owner or occupier of such house, and on being satisfied that the house is so used, may order the owner or occupier to discontinue such use of it and if such owner or occupier shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used:

Provided that action under this section shall be taken only on the complaint of three or more inhabitants of the municipality residing in the vicinity of the house to which the complaint refers.

(10) *Service of Notices and Penalties on non-compliance therewith.*

166. (1) The service of every notice and the presentation of every bill under this Act on any person or to any person to whom it is by name addressed, shall, in all cases not otherwise specially provided for therein, be effected by a municipal officer or servant or other person authorised by the municipal council in this behalf,

Service of notices, etc., addressed to individuals.

(*a*) by giving or tendering the notice or bill to the person to whom it is addressed; or

(*b*) if such person is not found, by leaving the notice or bill at his last known place of abode with, or by giving or tendering the notice or bill to, some adult male member or servant of his family; or

(*c*) if such person does not reside within the municipal limits, and his address elsewhere is known to the president or other person directing the issue of the notice or bill, then by forwarding the notice or bill to such person by registered post, under cover bearing the said address; or

(*d*) if none of the means aforesaid be available then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

Service of notice, etc., on owners and occupiers of buildings and lands.

(2) When any notice or bill under this Act is required or permitted by or under this Act to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Act, shall be effected either—

(*a*) by giving or tendering the notice or bill to the owner or occupier, or if there be more owners or occupiers than one, to any one of them, or

(*b*) if no such owner or occupier be found, then by giving or tendering the notice or bill to some male adult member or servant of the family of any such owner or occupier as aforesaid; or

(*c*) if none of the means aforesaid be available, then by causing the notice or bill to be fixed on some conspicuous part of the building or land to which the same relates.

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Public and general notices how to be published.

(3) Every notice which this Act requires or empowers a municipal council to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the municipal office during such period, and in such other public buildings and places, or is published in such local paper or in such other manner, as the municipal council in bye-laws in this behalf prescribes.

Defective form not to invalidate notice or bill.

(4) No notice or bill shall be invalid for defect of form.

Execution of acts required to be done by any notice.

(5) When any notice under this chapter requires any act to be done for which no time is fixed by this Act, the notice shall fix a reasonable time for doing the same.

(6) In the event of non-compliance with the terms of the notice, it shall be lawful for the municipal council to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the municipal council shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 173.

Punishment for disobedience of orders and notices not punishable under any other section.

167. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by a municipal council under any power conferred by this chapter, or fails to comply with the conditions subject to which any permission was given to him by the municipal council under any power so conferred, shall, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of the first conviction:

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, it shall rest with the magistrate to determine whether the time so fixed was reasonable time within the meaning of this Act.

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168. (1) Whenever, under the provisions of this Act, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the municipal council, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII either in one sum or by instalments as the municipal council may deem fit.

Municipal council in default of owner or occupier may execute work and recover expense.

(2) If the defaulter be the owner of the building or land, the municipal council may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand, the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

Power to levy charges on occupier who may deduct the same from his rent.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which, at any time later such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglects or refuses upon application made to him for that purpose by the municipal council, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at

Occupiers not to be liable for more than the amount of rent due.

the time of such demand or which has since accrued, shall be upon such occupier :

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works as aforesaid.

Occupier in default of owner, may execute works and deduct expenses from his rent.

169. Whenever default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the municipal council, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Proceedings, if any, occupier opposes the execution of the Act.

170. If the occupier of any building or land prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Act, after notice of his intention so to carry them into effect has been given by the owner to such occupier, any magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Act, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order ; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such work, such occupier shall for every day, during which, he so continues to refuse be punished with fine which may extend to fifty rupees ; and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

(11) *Miscellaneous.*

Entry for purposes of the Act.

171. It shall be lawful for the president, vice-president, executive officer or any officer authorised by the municipal council for such purpose, to enter, for any purpose

of this Act, between sunrise and sunset, with such assistants as he may deem necessary, into and upon any building or land :

Provided that, except when herein otherwise provided, no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier :

Provided also that, in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers.

Determination of compensation in certain cases.

172. (1) If an agreement is not arrived at with respect to any compensation or damages which are by this Act directed to be paid, the amount and if necessary the apportionment of the same shall be ascertained and determined by the Assistant Commissioner in charge of the taluk in which the municipality is situated and in the absence of such an officer, by the Deputy Commissioner :

Provided that nothing in this sub-section shall prevent the aggrieved party from seeking redress in a Civil Court of competent jurisdiction.

(2) In any case where the compensation is claimed in respect of any land, the procedure prescribed by the Mysore Land Acquisition Act, 1894, for proceedings in matters referred for the determination of the Court shall, as far as may be, be followed.

Costs or expenses how determined and recovered.

173. If a dispute arises with respect to any cost or expenses which are directed to be paid by any person under this chapter, the amount, and if necessary the apportionment, of the same shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the municipal council and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

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CHAPTER X.

PROSECUTIONS, SUITS AND POWERS OF POLICE.

Municipal council may prosecute.

174. (1) The municipal council may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, or of any rule or bye-law thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund:

Provided that no prosecution for an offence under this Act or rule or bye-law framed thereunder shall be instituted, except within one year next after the commission of such offence.

Jurisdiction of magistrate.

(2) Any prosecution under this Act or under any rules or bye-laws thereunder may, save as therein otherwise provided, be instituted before any magistrate, and every fine or penalty imposed under or by virtue of this Act or any rule or bye-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Act, may be recovered on application to such magistrate, by the distress and sale of any moveable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

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175. (*a*) In case of any fine, costs, tax or other sum of money imposed, assessed or recoverable by a magistrate under this Act or under any rule, bye-law, or regulation made under it, shall not be paid, the magistrate may order the offender to be imprisoned in default of payment subject to all the restrictions, limitations and conditions imposed in sections 64 to 70 (both inclusive) of the Indian Penal Code as in force in Mysore.

(*b*) Any fine, costs, tax or sum imposed, assessed or recoverable by a magistrate under this Act, or any rule, bye-law or regulation made thereunder shall be recoverable by such magistrate, as if it were a fine imposed under the Code of Criminal Procedure, 1904, and the same shall on recovery be paid to the municipal council.

176. A municipal council may—

Power to compound offences

(*a*) compromise with any person who, in the opinion of the municipal council, has committed an offence punishable under this Act or any bye-law thereunder and on such compromise, no proceedings shall be taken against such person in respect of such offence;

(*b*) withdraw from prosecutions instituted under this Act or under any bye-law made thereunder;

(*c*) compound any offence against this Act or against any bye-law made thereunder which may, by rules made by the Government, be declared compoundable:

Provided that Government may make rules to regulate the proceedings of persons empowered to compromise offence under this section.

Limitation for distraint, etc.

177. No distraint shall be made and no prosecution shall be commenced in respect of any sum due to the municipal council under this Act after the expiration of a period of three years from the date on which such distraint might have been made or prosecution might first have been commenced, as the case may be, in respect of such sum.

Distress lawful, though defective in form.

178. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction.

Damage to municipal property how made good.

179. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act any damage to the property of the municipal council shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the magistrate by whom the person incurring such penalty is convicted, and on non-payment of such damage

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on demand, the same shall be levied by distress, and such magistrate shall issue his warrant accordingly.

Alternative procedure by suit.

180. In lieu of any process of recovery allowed by or under this Act or in case of failure to realise by such process the whole or any part of any amount recoverable under the provisions of Chapter VIII, or of any compensation, expenses, charges or damages payable under this Act, it shall be lawful for a municipal council to sue in any court of competent jurisdiction the person liable to pay the same.

Power of compromise.

181. (1) The municipal council may compound or compromise in respect of any suit instituted by or against it, or in respect of any claim or demand arising out of any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient:

Provided that, if any sanction in the making of any contract is required by this Act, the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(2) The municipal council may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its officers, and servants under this Act.

(3) The municipal fund shall be liable to pay the expenses of any civil proceeding prosecuted or defended on behalf of the municipal council.

Assistance for the recovery of rent on land.

182. For the purpose of the recovery of any amount due on account of rent from any person to a municipal council, the municipal council shall be deemed to be a superior holder, and every such person, an inferior holder of such land, within the meaning of sections 97 and 98 of the Mysore Land Revenue Code, 1888, and the municipal council, as superior holder, shall be entitled for the recovery of every such amount, to all the assistance to which under the said sections, superior holders are entitled for the recovery of rent or land revenue payable to them by inferior holders.

183. (1) No suit shall be instituted against any municipal council, president, councillors, officers, servant or any person acting under the direction of such municipal council, president, councillors, officer or servant for any thing done or purporting to be done under this Act, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been in the case of a municipal council delivered or left at its office, and, in case of a president, councillor, officer or servant, or person as aforesaid, delivered to him or left at his office or usual place of abode; and the plaint shall contain a statement that such notice has been so delivered or left. Limitation of suits, etc.

(2) Every such suit shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto, be dismissed if it is not instituted within six months after the accrual of the alleged cause of action.

(3) Nothing in the section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

184. (1) Any police officer may arrest any person committing in his view any offence against any of the provisions of this Act, or of any rule or bye-law thereunder, if the name and address of such person be unknown to him, and if he declines to give his name and address, or if the police officer has reason to doubt the accuracy of such name and address if given, and such person may be detained at the station-house until his name and address shall be correctly ascertained: Power of police officers.

Provided that no person arrested shall be detained without the order of a magistrate longer than shall be necessary for bringing him before a magistrate, or than twenty-four hours at the utmost.

(2) It shall also be the duty of all police officers to give immediate information to the municipal council of the commission of any offence against the provisions of this Act, or of any rule or bye-law thereunder, and to assist all municipal officers and servants in the exercise of their lawful authority.

CHAPTER XI.

MUNICIPAL ACCOUNTS AND ADMINISTRATION REPORTS.

Prohibition of expenditure not budgetted for.

185. Except as hereinafter provided, no payment of any sum shall be made out of the municipal fund unless the expenditure of the same is covered by a budget grant, provided that the following items shall be excepted from this prohibition, namely :—

(*a*) refunds of taxes and other moneys which the municipal council is authorised by the Act or the rules made thereunder to make ;

(*b*) repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake ;

(*c*) sums which the municipal council is required or empowered by this Act, to pay by way of compensation :

(*d*) every sum payable—

(*i*) under sections 200 and 207 by order of the Deputy Commissioner and under sections 201 202, 203, and 205 by order of the Government,

(*ii*) under a decree or order of a civil court passed against the municipal council,

(*iii*) under a compromise of any suit or other lega proceeding or claim ;

(*e*) expenses incurred in the exercise of powers conferred by clause (*a*) of section 56 and sections 157 and 158 ;

(*f*) all contributions payable by the municipal council to the Government for the maintenance of water supply, dispensaries, schools and other institutions managed by the Government on behalf of the municipal council or on behalf of the municipal council and any other local authority or authorities.

Presentation of accounts.

186. (1) Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of April last preceding and at a general meeting which shall be held between the first day of November and the first day of January a complete account of the actual and expected receipts and

expenditure for the official year ending on the thirty-first day of March next following, together with a budget estimate of the income and expenditure of the municipal council for the official year to commence on the first day of April next following.

(2) The municipal council shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the municipal council shall be sent to the Government and a copy thereof sent simultaneously to the Commissioner and the Deputy Commissioner of the district for information. Budget estimate.

(3) In such budget estimate, the municipal council shall, among other things—

(*a*) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the municipal council by this Act or any other law;

(*b*) provide for the payment, as they fall due of all instalments of principal and interest for which the municipal council may be liable in respect of loans contracted by it;

(*c*) provide for the payment of all sums payable to the Government under sections 201 and 202, and of all contributions for the maintenance of water supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the municipal council or on behalf of any other local authority or authorities;

(*d*) allow for a balance at the end of the said year of not less than such sum as may be required to meet the establishment charges for a period of three months.

(4) If the budget as submitted, fails to make adequate provision for the matters specified in sub-section (3), the Government may modify any part of the budget so as to ensure that such provision is made.

(5) The Government may modify the Budget or any part thereof so as to secure compliance with any of the provisions of this Act or of the rules made thereunder.

187. If, in the course of the official year, the municipal council finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that without the approval of the Government, Revision of budget.

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(*a*) no reduction shall be made in the amounts allotted for the several items specified in clauses (*b*) and (*c*) of sub-section (3) of section 186, and

(*b*) the closing balance shall not be reduced below the sum fixed under clause (*d*) of sub-section (3) of section 186.

Maintenance of accounts and restrictions on expenditure.

188. (1) Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the municipal fund shall, save as otherwise expressly provided for in this Act, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

(3) The municipal council shall, at the general meeting in April or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year.

Audit of accounts.

189. (1) The municipal accounts shall, from time to time and once in every year at the least, be audited by an auditor appointed by the Government and also by such other agency, if any, as may be prescribed in the rules of the municipal council.

(2) The auditor or auditors shall, for the purposes of their office, have access to all the accounts and other records of the municipal council.

(3) The municipal council shall pay from the municipal fund such charges for the audit as may be agreed upon and in the case of a Government auditor, such charges as may be prescribed by the Government.

Powers of Government auditor.

190. The Government auditor may—

(*a*) by written requisition, require the production before him of any document which he may consider necessary for the proper conduct of his audit;

(*b*) by written requisition require any person accountable for, or having the custody or control of, any such document to appear in person before him; and

(*c*) require any person so appearing before him to make and sign a declaration with respect to such document

or to answer any question or prepare and submit any statement.

191. (1) The Government auditor shall— Duties of Government auditor.

(*a*) as soon as may be after the completion of the audit, deliver to the municipal council a report upon the audit of the municipal accounts;

(*b*) report to the municipal council and to the Deputy Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the municipal council or in the municipal accounts; and

(*c*) report to the municipal council and to the Deputy Commissioner any loss or waste of money or other property owned by or vested in the municipal council caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste.

(2) The municipal council shall forthwith remedy any defects or irregularities that may be pointed out by the auditor. Municipal council to remedy defects.

192. (1) The Government auditor shall disallow every item contrary to law and report the same to the Deputy Commissioner with particulars as regards the person making, or authorising the making of, the illegal payment. Disallowance by Government auditor and order by Deputy Commissioner.

(2) The Deputy Commissioner may, on the report of the auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

Appeal from order of Deputy Commissioner.

193. Any person aggrieved by the order of the Deputy Commissioner under the last preceding section may, within one month after he has received or been served with the decision of the Deputy Commissioner, either apply to the principal Civil Court of original jurisdiction to set aside such charge and the Court, in such case after taking such evidence as is necessary, may confirm, modify or remit such charge with such orders as to cost as it may think proper in the circumstances; or in lieu of such application, the person so aggrieved may, within the like period, appeal to the Government who shall pass such orders as it thinks fit.

Recovery of amounts disallowed.

194. Every sum certified to be due from any person by the Deputy Commissioner under this Act, shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the Court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.

Transmission of accounts to Government.

195. The municipal council shall, as soon as the annual accounts have been finally passed by it, transmit to the Government, or any officer duly authorised by it in this behalf, a copy thereof, or an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same, as the Government or such officer may, from time to time, direct.

Annual administration report.

196. (1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the municipal council shall submit to the Deputy Commissioner and the Commissioner a report on the administration during the preceding official year in such form and with such details as the Government may direct.

(2) The President shall prepare the report and place it before the municipal council for consideration, and forward it to the Deputy Commissioner and the Commissioner with the resolution of the council thereon.

(3) The report may be published in such manner as the municipal council may direct.

CHAPTER XII. 509

CONTROL.

197. The Commissioner or any officer of the Government authorised by the Government by a general or special order shall have power— Commissioner's powers of inspection and supervision.

(*a*) to enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by any municipal council or any institution under its control or management, or any work in progress under it or under its direction;

(*b*) to call for any extract from the proceedings of any municipal council or of any committee, or for any book or document in the possession of or under the control of a municipal council, and any return, statement, account, or report which he may think fit to require such municipal council to furnish;

(*c*) to require a municipal council to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such municipal council, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the municipal council, and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

198. The Deputy Commissioner shall have power to inspect the office of any municipal council in his district and call for the records of any such municipal council. Deputy Commissioner's power of inspection of offices of municipal councils.

Deputy Commissioner's power of suspending execution of order, etc., of municipal councils.

199. (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a municipal council, or the doing of anything which is about to be done or is being done by or on behalf of a municipal council, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, or is unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

Deputy Commissioner's order to be reported to Government who may confirm or modify it.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Commissioner and to the Government and to the municipal council affected thereby a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Government, to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as it thinks fit:

Provided that no order of the Deputy Commissioner passed under this section shall be confirmed, revised or modified by the Government, without giving the municipal council reasonable opportunity of showing cause against the said order.

Extraordinary powers of Deputy Commissioner in case of emergency.

200. (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a municipal council is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it shall be forthwith paid by the municipal council.

(2) If the expense and remuneration are not so paid, the Deputy Commissioner may make an order directing any person, who for the time being, has custody of any moneys on behalf of the municipal council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

(3) The provisions of sub-section (2) of section 199 shall apply, so far as may be, to any order made under this section.

201. (1) Such public works as, in the opinion of the Government, require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may direct.

Agency for execution of public works.

(2) All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.

(3) When any work is executed for a municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at not more than three per cent as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.

(4) If the amount due to the Government under sub-section (3) is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

202. (1) Notwithstanding anything contained in this Act, it shall be lawful for the Government at any time after consulting the municipal council—

Special provision in regard to works executed by Government.

(*a*) to construct any work or works of a permanent nature which, in the opinion of the Government is or are necessary or desirable for the health, or safety of the inhabitants, whether within any municipality or without it, wholly or in part;

(*b*) to retain the management and maintenance of any such work or to entrust the same, in whole or in part to the municipal council, or to resume the same from the municipal council;

(*c*) to recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Act.

(2) It shall be the duty of any person who for the tim being, has custody of any moneys on behalf of th municipal council, to pay, from such moneys as he ma have in his hands or may from time to time receive, al amounts directed by the Government to be paid by th municipal council under clause (*c*) of the preceding sub section.

Government inquiry into municipal matters.

203. (1) The Government may order an inquiry to b held by any officer appointed by it in this behalf into an matters concerning the municipal administration of an municipal area or any matters with respect to which it sanction, approval or consent is required under this Act.

(2) The officer holding such inquiry shall, for th purpose thereof, have the powers which are vested in Court under the Code of Civil Procedure in respect of th following matters :—

(*a*) discovery and inspection,

(*b*) enforcing the attendance of witnesses and requirin the deposit of their expenses,

(*c*) compelling the production of documents,

(*d*) examining witnesses on oath,

(*e*) granting adjournment,

(*f*) reception of evidence taken on affidavit, and

(*g*) issuing commissions for the examination c witnesses,

and may summon and examine *suo motu* any person whos evidence appears to him to be material; and shall b deemed to be a civil court within the meaning of section 480 and 482 of the Code of Criminal Procedure, 1904.

Explanation.—For the purpose of enforcing the atten dance of witnesses, the local limits of such officer' jurisdiction shall be the limits of the Mysore State.

(3) The reasonable expenses incurred by any person i attending to give evidence may be allowed by the office holding the inquiry to such person and shall be deeme to be part of the costs.

(4) Costs shall be in the discretion of the Governmen and the Government shall have full power to determin by and to whom and to what extent such costs are to b

paid, and to allow interest on costs at a rate not exceeding six per cent per annum; and such costs and interest shall be leviable as an arrear of land revenue.

204. (1) If in the opinion of the Government the number of persons who are employed by a municipal council as officers or servants or whom a municipal council proposes to employ or the remuneration assigned by the municipal council to those persons, or to any particular person, is excessive, the municipal council shall, on the requirement of the Government, reduce the number of the said persons or the remuneration of the said person or persons.

Power of Government to prevent extravagance in the employment of establishment.

(2) It shall be lawful for the Government—

(*i*) to require, if in its opinion at any time such an appointment is necessary, the appointment of a health officer, or of an engineer or both to be made by any municipal council;

Government may require any town municipal council to appoint a health officer or an engineer.

(*ii*) to make in its discretion an order vetoing the appointment, or continuance in any such office, of any person selected therefor or appointed thereto by any such municipal council, and the tenure of such office by any such person shall cease and determine on and from the date on which such order is communicated to the municipal council;

(*iii*) to require that any person appointed to be an executive officer shall be invested by any such municipal council with all or any of the powers which can under this Act or under any rules in force at the time be lawfully delegated to him, in addition to such powers as are conferred on him by section 218;

(*iv*) to require that all or any of the powers referred to in section 157 shall be delegated by any such municipal council, whether there be an executive officer or not, to the president, vice-president or any such councillor as the Government may deem fit.

(3) Any requisition issued to the municipal council under clauses (*i*), (*iii*) or (*iv*) of sub-section (2) above shall be complied with within such time as the Government may in each case prescribe in that behalf.

Power of Government to direct person in custody of municipal fund to pay Government dues.

205. If a municipal council makes default in the payment of any amount due to the Government, it may make an order directing the person having the custody of the municipal fund to pay it in priority, to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers.

206. (1) If, in the opinion of the Government, any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the *Mysore Gazette*, declare the municipal council to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and may dissolve such municipal council or supersede it for a period to be specified in the order.

Consequences of exercise of such power.

(2) When the municipal council is so dissolved or superseded, the following consequences shall ensue :—

(*a*) all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession as from the date of the order of supersession, vacate their offices as such councillors;

(*b*) all powers and duties of the municipal council shall, during the period between dissolution and reconstitution or of supersession, be exercised and performed by such person or persons as the Government, from time to time, appoints in that behalf;

(*c*) all property vested in the municipal council shall, during the period between dissolution and reconstitution or of supersession, vest in the Government.

(3) After the issue of an order under sub-section (1), the municipal council shall, by the election or appointment of councillors, be reconstituted—

(*i*) in the case of dissolution, on the date specified in the order, or

(*ii*) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4), as the case may be.

(4) If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.

Power after enquiry to continue period of supersession.

207. (1) If any dispute for the decision of which this Act does not otherwise provide exists between a municipal council and one or more other local authorities in regard to any matters arising under the provisions of this or any other Act and the dispute is not amicably settled—

Disputes between a municipal council and one or more local authorities.

(*a*) the Deputy Commissioner may take cognizance of the dispute and decide it himself if the dispute is with another municipal council or a village panchayet in the same district and his decision shall be final; and

(*b*) in all other cases, the matter shall be referred to the Government who may take cognizance of the dispute and decide it and the decision of the Government shall be final.

(2) No suit shall be entertained by a Civil Court in respect of any dispute referred to in sub-section (1).

208. (1) The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Act and prescribe forms for any proceeding for which it considers that a form should be provided.

Powers of Government to make rules and orders.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules or orders—

(*a*) with reference to all matters expressly required or allowed by this Act to be prescribed;

(*b*) (i) for fixing the dates and the time and manner of holding elections, general or casual, of councillors to be elected;

(ii) for preparing and revising the lists of voters from time to time, and fixing the date after which no application for enrolment in any such list under preparation or revision shall be received;

(iii) for determining the manner in which and the authority by whom any objection to such lists in

regard to the names entered therein or omitted therefrom may be heard and decided, and to what authority the appeals as to such entries and omissions shall lie;

(iv) for prescribing the date, subject to the provisions of sub-section (1) of section 13 for the publication of the municipal electoral roll;

(v) for regulating generally elections of councillors and other matters incidental or ancillary thereto including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited;

(*c*) as to the contributions to be made by the municipal council to the pension and leave allowances of an officer who is serving or who, having served under a municipal council, has been or is transferred from or to the service of the Government, or is partly employed by the Government and partly by a municipal council;

(*d*) for regulating the period of service of all officers and servants, and determining the conditions under which such officers and servants, or any of them, shall receive pensions, gratuities, or compassionate allowances on retirement, or on their becoming disabled through the execution of their duty, and the amount of such pensions, gratuities, or compassionate allowances; and for prescribing the conditions under which any gratuities, or compassionate allowances may be paid to the surviving relations on the death of any such officers or servants;

(*e*) as to the conditions under which rate-payers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom;

(*f*) for the proper management and maintenance of any work constructed under section 202 and for the regulation of all matters and things connected therewith;

(*g*) as to the preparation of plans and estimates for works which are to be partly or wholly constructed out of the municipal fund and the authority by whom, and the conditions subject to which, such plans and estimates for works may be sanctioned;

(*h*) as to the transfer to municipal councils, the management of any institution not otherwise provided for by this Act;

(*i*) as to the intermediate offices, if any, through which correspondence between municipal councils and the Government or Government officers shall pass;

(*j*) for submission of returns, statements, and reports and the preparation, submission and sanction of the annual estimates of receipts and expenditure and the administration reports;

(*k*) for the regulation of all matters connected with the grant of permission under section 113;

(*l*) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date as may be fixed by the magistrate.

(3) A rule may be general for all municipalities, or for all municipalities not expressly exempted from its operation, or may be special for the whole or any part of any one or more municipalities, as the Government may direct.

(4) All rules made by the Government under this Act shall be published in the *Mysore Gazette* both in English and Kannada and such rules shall have the force of law after one month from the date of such publication.

209. (1) The Government may, at any time by notification in the *Mysore Gazette*, repeal wholly or in part or modify any rule or bye-law made by any municipal council:

Power of Government to cancel or modify bye-laws and rules of municipal councils.

Provided that, before taking any action under this sub-section, the Government shall communicate to the municipal council the grounds on which it proposes to do so, fix a reasonable period for the municipal council to show cause against the proposal and consider the explanation and objections, if any, of the municipal council.

(2) The repeal or modification of any rule or bye-law shall take effect from the date of publication of the notification in the *Mysore Gazette*, if no date is therein specified

and shall not affect anything done, omitted or suffered before such date.

Delegation of powers by Government.

210. The Government may delegate all or any of its powers under this Act to any officer subordinate to it.

Powers of Government and of the Deputy Commissioners over subordinates.

211. In all matters connected with this Act, the Government and each Deputy Commissioner shall respectively, have and exercise the same authority and control over the Deputy Commissioners and their subordinates, as it or he has and exercises over them in the general and revenue administration.

Powers of officers acting for, or in default of municipal council and liability of municipal fund.

212. When the Deputy Commissioner or any Officer of the Government or any person appointed by him or the Government lawfully takes action on behalf or in default of the municipal council under this Act, he shall have power to make such contracts as are necessary for the purpose, and shall be entitled to the same protection under this Act as the municipal authority whose powers he is exercising, and compensation shall be recoverable from the municipal fund by any person suffering damage from the exercise of such powers to the same extent as if the action had been taken by such municipal authority.

Powers to transfer officers.

213. (1) Notwithstanding anything contained in this Act, the Government shall have power to transfer any officer or servant of a municipality to the service of any other municipality or of any district board constituted under the Mysore District Boards Act, 1926, or of any Government department.

(2) The Government shall have power to issue such general or special directions as it thinks necessary for the purpose of giving due effect to transfers made under sub-section (1).

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CHAPTER XIII.

APPOINTMENT AND POWERS OF EXECUTIVE OFFICERS.

214. (1) Any municipal council may, and when required by the Government by an order in this behalf, shall, within such time as may be fixed therein, appoint an executive officer for the municipality. Appointment of executive officers.

(2) The appointment of a person as executive officer shall be subject to the approval of the Government.

(3) No such officer shall, save with previous approval of the Government, be removable from office, reduced, or suspended.

(4) It shall be in the discretion of the Government to make an order vetoing the continuance in the office of executive officer of any person appointed thereto and the tenure of such office by such person shall cease and determine on and from the date on which such order is communicated to the municipal council.

(5) When an executive officer shall have been appointed, all other officers and servants employed by the municipal council, save such as are excepted by order of the Government from time to time, shall be subordinate to him.

215. Notwithstanding anything contained in this Act— Appointment by Government.

(*a*) the Government may, by notification, take power to appoint the executive officer in the case of any municipal council;

(*b*) the Government may, at any time, withdraw any such executive officer and appoint another in his place; and

(*c*) the Government shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of executive officers appointed under clause (*a*).

216. So long as a notification under clause (*a*) of section 215 is in force, the municipal council in respect of which such notification is made, shall cease to exercise the power of appointment under section 214 of this Act. Municipal council when not to exercise the power.

Duties of executive officer.

217. The executive officer shall—

(*a*) subject to the control of the president, perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under this Act;

(*b*) subject to the orders of the president or of the municipal council, as the case may be, take prompt steps to remove any irregularity pointed out by the auditors;

(*c*) report to the president, and the municipal council all cases of fraud, embezzlement, theft or loss of municipal money or property;

(*d*) supply any return, statement, account or report or a copy of any document in his charge called for by the municipal council and shall comply with any orders passed by the municipal council thereon; and

(*e*) subject to the rules prescribed in this behalf under section 208 and subject to the control of the president, perform and exercise the duties and powers of the president specified in clauses (*b*), (*f*) and (*g*) of sub-section (1) of section 24 and in clause (*e*) of the same sub-section in regard to the officers and servants of the municipal council.

Powers of executive officer.

218. (1) The executive officer shall exercise the powers hereinafter specified, and such other powers as may be delegated to him by the municipal council under the provisions of this Act:—

(*a*) he shall have power, subject to the provisions of this Act and of the bye-laws for the time being in force thereunder, to grant, give and issue, with the approval of the president, under his signature all licences and permissions which may be granted or given by a municipal council under this Act, other than licences for markets or slaughter-houses;

(*b*) he may, subject to the provisions aforesaid, at his discretion suspend, withhold or withdraw any licence in any case in which he is empowered as aforesaid to grant or give a licence, and in which the municipal council may, under the provisions aforesaid, suspend, withhold or withdraw such licence;

(*c*) he shall receive and recover and credit to the municipal fund all fees payable for licences and permissions granted or given by him under the powers aforesaid;

(*d*) he may, subject to the control of the president and to the provisions of section 38—

(i) enter on behalf of the municipal council into contracts which do not involve an expenditure of over fifty rupees; and

(ii) invite, on behalf of the municipal council and by public notice, tenders for the execution of any approved work or for the supply of any materials or goods required by the municipal council; and

(*e*) he may make such requisitions by written notice, give such written consent or permission, issue such orders and prohibitions, and exercise all such powers as may be made, given, issued or exercised by a municipal council under any provisions contained in—

section 76,
section 80, sub-sections (2) and (3),
section 85,
section 89, sub-sections (3), (4) and (5),
section 91, proviso to sub-section (2),
section 92,
section 93,
section 94,
section 97,
section 99, sub-section (3),
section 110,
section 112,
section 114,
section 116,
section 119,
section 123, sub-section (1),
section 124,
section 127,
section 128,
section 130,
section 131,
section 132,
section 133,
section 134,
section 135,
section 136,

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section 137,
section 138,
section 139,
section 140,
section 142, sub-section (1),
section 143,
section 146,
section 150, sub-section (3),
section 155,
section 156,
section 157, sub-section (2),
section 166, and
section 167.

(2) The exercise or discharge by the executive officer of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such restrictions, limitations and conditions, if any, as may be laid down by the Municipal Council and shall be subject to its control and revision.

Executive officer's powers of appointment and punishment.

219. The executive officer shall, subject to the control of the president and independently of such powers as may be delegated to him by the municipal council in this behalf, have power—

(*a*) to appoint to any post in the inferior service, and to fine, reduce, suspend or dismiss any person holding such post;

(*b*) subject to the provisions of the rules for the time being in force, and subject to conditions and limitations, that may be imposed by the Government or the municipal council, to fine, reduce or suspend any other municipal officer or servant:

Provided that his order in respect of any punishment shall be subject to an appeal to the Municipal Council.

Executive officer may make explanations at meetings.

220. The executive officer may, with the permission of the president, or in virtue of a resolution passed in this behalf at any meeting of the municipal council or of any committee, make an explanation in regard to any subject under discussion at such meeting, but shall not vote upon or make any proposition at any such meeting.

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SCHEDULE I.

[*Section* 61, *clauses* (i), (v) to (x).]

MAXIMUM RATES OF TAXES OTHER THAN OCTROI, TAXES ON VEHICLES AND ANIMALS, TOLLS, TAXES ON ARTS, PROFESSIONS, TRADES AND CALLINGS AND SHOP TAX.

Taxes	Maximum rate per year
A. Rate on buildings or lands or both—	
(i) Lands not occupied by buildings and not appurtenant to any building or attached thereto for use therewith as a garden or pleasure ground or for the pasturage of animals kept for private use.	Eight annas for every one hundred square yards.
(ii) Buildings or lands or both not falling under (i)—	
(*a*) In such municipalities as may be specified by the Government.	Six per centum on the annual letting value.
(*b*) In other municipalities.	Eight annas for every hundred rupees or portion of hundred rupees of the market value up to two thousand rupees, with four annas for every hundred rupees or portion of hundred rupees for the balance of such value in excess of two thousand rupees.
B. Stand fee for bus stands established or maintained by a Municipal Council.	Four annas per bus per day.
C. Tax on dogs ...	One rupee per head.
D. Special sanitary cess ...	Three per centum of the rental value.
E. General sanitary cess ...	Four per centum of the rental value.
F. Water rate or water rates ...	Six and one quarter per centum of the rental value.
G. Lighting Tax ...	One-third of the rate leviable under item A.

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SCHEDULE II.

[*Section* 61, *clause* (iv).]

MAXIMUM RATES OF OCTROI.

No.	*Articles*		*Maximum rate* Rs.	a.	p.	*Remarks*
1	Cocoanut fresh	...	0	8	4	Per hundred
2	Do dry	...	0	6	0	per maund
3	Betel leaves	...	0	0	1	Per hundred
4	Sugar	..	0	4	0	per maund
5	Sheep or goat	...	0	1	6	per head
6	Tobacco raw	...	0	8	0	per maund *Inclusive of tobacco products dust and sticks.
7	Kerosene oil	...	0	2	0	per tin of four gallons
8	Petrol	...	0	2	0	per gallon
9	Piece goods	...	1	9	0	per cent *ad valorem*
10	Arecanut	...	0	2	0	per bag of five maunds.
11	Cocoanut oil, linseed oil, honge oil, castor oil, vegetable oil.		0	2	0	per tin or part thereof.
12	Diesel oil and other mineral oils	...	0	2	0	do
13	Cement	...	0	0	6	per maund
14	Tiles (Mangalore or similar pattern) including flooring tiles.		1	9	0	per cent *ad valorem.*
15	Iron and steel or articles made therefrom including machinery parts.		1	0	0	per cent *ad valorem.*
16	Alloys in any shape or articles manufactured out of metals, machinery or part thereof.		1	9	0	per cent *ad valorem.*
17	Beedies	...	0	2	0	per 1,000
18	Cigarettes	...	0	4	0	per 1,000
19	Gunny bag	...	0	0	1	per bag
20	Hosiery and other textile fabrics		1	9	0	per cent *ad valorem.*
21	Cuddapah slabs	...	1	9	0	per cent *ad valorem.*
22	Rubber goods	...	2	0	0	per cent *ad valorem.*
23	Coffee and Tea	...	1	9	0	per cent *ad valorem.*
24	Teak and honne in logs	...	0	1	3	per c.ft.
25	Teak and honne sawn	...	0	1	6	per c.ft.
26	Black wood in logs	...	0	1	0	per c.ft.
27	Do sawn	...	0	1	3	per c.ft.
28	Other kinds of timber in logs	...	0	0	9	per c.ft.
29	Do sawn	...	0	1	3	per c.ft.

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No.	Articles	Maximum rate Rs.	a.	p.	Remarks
30	Wheat and wheat-flour, maida-flour and other wheat products.	0	4	0	per bag of 196 lbs. or fraction thereof.
31	Cotton seeds	0	1	0	per bag of 100 seers or fraction thereof.
32	Groundnuts and groundnut seeds	0	1	0	per bag of 100 seers or fraction thereof.
33	Match boxes	0	1	0	per gross or fraction thereof.
34	Jaggery ...	0	2	0	per maund
35	Ghee per maund ...	0	8	0	do
36	Country butter ...	0	8	0	per maund
37	Oats ...	1	0	0	per cent *ad valorem.*
38	Bran ...	1	0	0	per cent Do
39	Chaff ...	1	0	0	Do
40	Oil seeds ...	0	4	0	per candy of 160 seers.
41	Manufactured wooden materials (intended for sale).	2	0	0	per cent *ad valorem.*
42	Burnt lime (Chunnam) ...	0	4	0	per cart load
43	Manufactured articles such as rain or water proof coats, holdalls, umbrellas, hats, rain caps, fur caps, gowns, over-coats and mosquito curtains.	1	9	0	per cent *ad valorem*
44	Musical goods ...	2	0	0	
45	Toys of all varieties and their accessories.	2	0	0	
46	Soaps of all kinds including soap flakes, shaving sticks, shaving cream, liquid soap and the like.	2	0	0	
47	Confectionery including all kinds of manufactured sweets, peppermint and chocolate.	2	0	0	
48	Glassware (glass-sheets, plates, cups, tumblers, jars, mirrors, glass chimneys, bulbs, bottles, tools, lens, tubes, articles partly made of glass, bangles and other glass articles.)	2	0	0	
49	Tinned goods packets, (*a*) tinned or canned or bottled fruits, fruit juice, essence of all kinds, cuticura powder, etc., baking powder and table salt of all varieties. (*b*) All the electrical goods and parts thereof)	2	0	0	

No.	Articles	Maximum rate Rs. a. p.	Remarks
50	Colour and metal polish ...	2 0 0	per cent *ad valorem* or 0-1-0 per lb
51	Motors, dynamo, etc., and all spare parts of metals.	2 0 0	per cent *ad. valorem.*
52	Motor vehicles ...	2 0 0	do
53	Asbestos sheets and other materials made of asbestos	2 0 0	do
54	Porcelain articles and china cups, etc.	2 0 0	do
55	Bakelite and plastic materials ...	2 0 0	do
56	Cameras and watches	2 0 0	do
57	Machinery parts or powerloom parts ...	2 0 0	do
58	(*a*) Battery and cells including electric torches. (*b*) Manufactured syrups and squashes. (*c*) Glaxo, horlicks, malted milk or powdered food, cocoa, ovaltine, bournvita, ovaltine rusk, and all foods of the like nature. (*d*) Toilet snows, creams, hair oils, vaselines, brilliantine and all kinds of pomade and perfumery and the like. (*e*) Condensed milk of all kinds of liquid or powder therefrom and shall include cheese or cream and tinned butter. (*f*) Biscuits of all varieties and kinds ... (*g*) Sausage, canned beef, and the like. (*h*) Tinned meat, etc. ... (*i*) Pepper and ginger species ... (*j*) Tinned and bottled pickles and chutnies. (*k*) All other kinds of tinned food and articles. (*l*) Tooth paste and powder ...	2 0 0	per cent *ad valorem.*
59	Clocks ...	2 0 0	per cent *ad valorem*
60	Photo frames and pictures ...	2 0 0	do
61	Optical glass and frames ...	2 0 0	do
62	Cycles and accessories ...	2 0 0	do
63	Celluloid materials ...	2 0 0	do
64	Playing cards ...	2 0 0	do
65	Brushes of all kinds ...	2 0 0	do

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SCHEDULE III.

[*See Section* 61, *clause* (ii).]

VEHICLES, BOATS AND ANIMALS LIABLE TO TAXATION WITH THE MAXIMUM RATES OF TAXATION.

	Yearly.		
	Rs.	a.	p.
For every four-wheeled vehicle with springs constructed to be drawn by two or more horses	20	0	0
For every four-wheeled vehicle with springs constructed to be drawn by a horse, bull or bullock, or by two or more horses under thirteen hands, bulls or bullocks ...	10	0	0
For every two-wheeled vehicle with springs constructed to be drawn by one or more horses, bulls or bullocks ...	6	0	0
For every other vehicle with springs and every palanquin, and every trailer attached to a motor car ...	6	0	0
For every cart or other vehicle without springs ...	4	0	0
For every boat	4	0	0
For every bicycle or tricycle	3	0	0
For every elephant	24	0	0
For every camel	12	0	0
For every horse over thirteen hands	10	0	0
For every horse of or under thirteen hands	4	0	0
For every horse of or under eleven hands and for every mule	2	0	0
For every bullock or bull	1	0	0
For every male buffalo	1	0	0
For every ass	0	8	0

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SCHEDULE IV.

[*See Section* 61, *clause* (iii).]

MAXIMUM RATES OF TOLLS PAYABLE ON ENTERING THE MUNICIPAL LIMITS.

		Rs.	a.	p.
1.	On every motor bus as defined in the Motor Vehicles Rules or motor lorry	2	0	0
2.	On every motor car	1	0	0
3.	On every motor tricycle or bicycle or trailer attached to a motor car	0	4	0
4.	On every four-wheeled carriage	0	8	0
5.	On every two-wheeled carriage on springs other than a jutka	0	4	0
6.	On every jutka laden	0	2	0
7.	On every jutka unladen	0	1	0
8.	On every other vehicle with springs including a tricycle or bicycle	0	2	0
9.	On every cart or other vehicle not on springs drawn by two bullocks, buffaloes, horses, ponies, asses, or mules, if laden	0	4	0
10.	On every cart or other vehicle not on spring drawn by two buffaloes, bullocks, horses, ponies, asses or mules, if not laden	0	2	0
11.	On every cart or other vehicle not on springs drawn by single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
12.	On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0

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SCHEDULE V.

[*See Section* 61, *clause* (xi).]

MAXIMUM RATES OF TAX ON ARTS, PROFESSIONS, TRADES AND CALLINGS.

CLASS I.

	Yearly Rs.
every person holding any office or appointment, public or private, or employed in any capacity, whose pay, salary or pension amounts to one thousand rupees a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to one thousand rupees a month or upwards :— (i) carrying on business as a company ; (ii) abkari renters, wholesale and retail traders, and manufacturers of every kind, contractors, auctioneers and commission agents ; (iii) bankers, money lenders, money-changers and pawnbrokers ; (iv) editors and proprietors of newspapers ; (v) brokers and dealers in securities, shares or bills of exchange ; (vi) practising barristers, advocates, High Court vakils, solicitors, attorneys, pleaders, and law agents ; (vii) practising medical practitioners of all kinds including hakims and vaidyas ; (viii) dentists and veterinary surgeons ; (ix) architects and civil engineers ; (x) owners and farmers of markets and tool-farmers ; (xi) keepers of hotels, lodging houses, or boarding houses ; (xii) builders and surveyors ; (xiii) owners of mills, warehouses, printing presses, oil presses, cotton presses and other presses and factories of all kinds ; (xiv) professional artists, photographers, actors and owners or managers of circuses or theatrical companies, musicians and dancers ; (xv) dealers in animals or vehicles and owners, or keepers of livery stables or hackney carriages ; (xvi) artizans.	50

CLASS II.

every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to five hundred rupees a month or upwards ...	25

CLASS III.

every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to three hundred rupees a month or upwards ...	12

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CLASS IV.

	Yearly Rs.
Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to two hundred rupees a month or upwards ...	8

CLASS V.

Every person described in clase I whose pay, salary or pension amounts, or whose income is estimated to amount to one hundred rupees a month or upwards ...	4

CLASS VI.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to rupees fifty a month or upwards ...	2

CLASS VII.

Every person described in class I whose pay, salary or pension amounts, or whose income is estimated to amount to thirty rupees a month or upwards ...	1

NOTE.—The foregoing classification is subject to the following provisos, namely:—

PROVISO 1.—No owner of a cotton press shall be placed in any class below class II.

PROVISO 2.—No wholesale trader, banker, barrister, advocate, High Court vakil, solicitor, attorney, architect, civil engineer, mill-owner or factory-owner shall be placed in any class below class III.

PROVISO 3.—No abkari renter (other than a mere liquor shop keeper), editor or proprietor of a newspaper, broker or other dealer in securities, shares or bills of exchange, and no pleader medical practitioner (other than a hakim or vaidya), dentist or veterinary surgeon shall be placed in any class below class IV.

PROVISO 4.—No auctioneer, money-lender, owner or farmer of a market, toll-farmer, keeper of a hotel, lodging-house, boarding-house and no builder, surveyor or owner of a warehouse or press (other than a cotton press or oil press), shall be placed in any class below class V.

SCHEDULE VI.

MAXIMUM RATES OF TAX ON SHOPS AND OTHER PLACES OF BUSINESS OR PROFESSION.

[*See section* 61, *clause* (xii).]

Items	Sort					
	1st	2nd	3rd	4th	5th	6th
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Shops.— For each shop per year.	30	25	20	10	4	2
Other places where business or profession is carried on for purposes of profit.— For each place per year.	30	25	20	20	4	2

SCHEDULE VII.

[*See clause* (*b*) *of section* 62.]

Notice is hereby given to the inhabitants of the municipality of .....that the municipal council desires to impose he tax, rate, toll, octroi or cess (as the case may be) defined in the ules appended, [in lieu of the tax known as the.....which is ublished at page.....of the sanctioned rules.] *

* To be inserted if the tax is to be substituted for any existing tax.

Any inhabitant of the municipality objecting to the proposed tax nay, within one month from the date of this notice, send his objections n writing to the municipal council.

RULES.

[The rules prepared by the municipal council under clause (*a*) of ection 63 are to be appended here.]

SCHEDULE VIII.

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[*See section* 76.]

Form of notice of transfer to be given when the transfer has been effected by instrument.

To the president of the municipal council,

I, A. B. hereby give notice, as required by section 76 of the Mysore Town Municipalities Act, 1951, of the following transfer of property :—

Date of notice	Date of instrument	Name of vendor or assignor	Name of purchaser or assignee	Amount of consideration	Description of property					If instrument has been registered, the date of registration	Remarks
					Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries		

(Sd.) A. B.

SCHEDULE IX.

[*See section* 76.]

Form of notice of transfer to be given when the transfer has taken place otherwise than by instrument.

To the president of the municipal counci

I, A. B. hereby give notice, as required by section 76 of th Mysore Town Municipalities Act, 1951, of the following transfer c property :—

Date of notice	In whose name the property is at present entered in the municipal registers	To whose name it is to be transferred	Description of property					
			Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries	Remarks

(Sd.) A. B.

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SCHEDULE X.

[*See sub-section* (3) *of section* 92.]

FORM OF NOTICE OF DEMAND.

To

A. B., residing at.....

Take notice that the municipal council of..... demands from.....the sum of..... .....due from..... .. ..on account of.....(here describe the property or other subject in respect of which the tax is leviable) leviable under rule number.....for the period of.....commencing on the day of.....19.....and ending on the... ..... day of..... .....19 , and that if, within fifteen days from the service of this notice, the said sum is not paid into the municipal office at..... ....or sufficient cause for non-payment is not shown to the satisfaction of the municipal council, a warrant of distress will be issued for the recovery of the same with costs.

Dated this.....day of.....19

(Signed)

By order of the municipal council of

SCHEDULE XI.

[*See sub-section* (1) *of section* 93.]

FORM OF WARRANT.

To

(Here insert the name of the officer charged with the execution of the warrant.)

Whereas A. B., of.....has not paid, and has not shown satisfactory cause for the non-payment, of the sum of..... .....due for the tax*.....mentioned in the margin for the period commencing on the day of 19 and ending with the day of 19 and leviable under rule number.

*Here describe the tax.

And whereas fifteen days have elapsed since the service on him of notice of demand for the same;

This is to command you to distrain, subject to the provisions of section 94 of the Mysore Town Municipalities Act, 1951, the goods and chattels of the said A. B. to the amount of , being the amount due from him, as follows :—

	Rs.	a.	p.
On account of the said tax			
For service of notice			

and forthwith to certify to me together with the warrant all particulars of the goods distrained by you thereunder.

Dated this.....day of.....19 .

(Signed)

President, (or Executive Officer as the case may be), see section 94 (2)

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SCHEDULE XII.

[*See clause* (*c*) *of sub-section* (5) *of section* 93 *and sub-section* (1) *of section* 89]

FORM OF INVENTORY AND NOTICE.

To

A. B., residing at.....

*Here describe the tax.

Take notice that I have this day distrained the goods and chattels specified in the inventory beneath this, for the value of..... due for the tax*.....mentioned in the margin for the period commencing with the day of 19 , and ending with the day of 19 , together with Rs. due as for service of notice of demand, and that unless within five days from the day of the date of this notice you pay into the municipal office at.....the said amount together with the costs of recovery, the said goods and chattels will be sold.

Dated this day of 19 .

Signature of Officer executing the warrant.
collecting octroi.
collecting toll.

INVENTORY.

(Here state particulars of goods and chattels distrained.)

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SCHEDULE XIII.

PURPOSES FOR WHICH PREMISES MAY NOT UNDER SECTION 161 BE USED WITHOUT A LICENSE.

Aerated waters.—Manufacturing.

Ammunition.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Article made of flour.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Ashes.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or shifting.

Biscuits.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Blood.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bones.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bread.—Baking, preparing, keeping, or storing for human consumption (for other than domestic use).

Bricks.—Manufacturing.

Camphor.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or boiling.

Candles.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Carpets.—Manufacturing.

Catgut.—Storing, packing, pressing, cleansing, preparing or manufacturing any process whatever.

Cement.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Charcoal.—Dumping, shifting, selling or storing.

Chemical preparations.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Chillies.—Grinding by machinery.

Chlorate mixture.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cinders.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or shifting.

Clothes.—Dyeing.

Coal.—Dumping, shifting, selling or storing.

Coconut fibre.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.

Combustible material.—Storing.

Combustibles.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Confectionery.—Baking, preparing, keeping, or storing for human consumption (for other than domestic use).

Cotton, Cotton refuse.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Dyes.—Packing, pressing, cleansing, preparing or manufacturing any process whatever.

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Explosive.—Storing.

Fat.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Firewood.—Selling or storing.

Fireworks.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish oil.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Flax.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fleshings.—Storings, packing, pressing cleansing, preparing or manufacturing by any process whatever.

Flour.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fuel.—Using for any industrial purpose.

Fulminate of mercury.—Storing, packing, pressing, cleansing preparing or manufacturing by any process whatever.

Gas.—Storing, packing, pressing, cleansing, preparing ormanufacturing by any process whatever.

Gold.—Refining.

Gram.—Husking by machinery.

Gun-Cotton.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gun-powder.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hair.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Hay.—Selling or storing.

Hemp.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hides.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.

Hoofs.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Horns.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Ice.—Manufacturing.

Jute.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lac.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lead.—Melting.

Leather.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lime.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Limeshells.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Manure.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Machinery.—Using for any industrial purpose.

Matches.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Meat.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Metals.—Beating, breaking, hammering, casting, etc.

Nitro compound.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro glycerine.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro mixture.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Offal.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Paddy.—Boiling or husking by machinery.

Petroleum products.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever in quantities not exceeding six gallons, provided that no licence shall be required for storing petroleum in accordance with the provisions of the Mysore Petroleum Act, 1942, or the rules issued or the notifications published under that Act.

Pitch.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Pottery.—Manufacturing by any process whatever.

Resin (including resin).—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Saltpetre.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Seegekai.—Powdering by machinery.

Shellac.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Skins.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Soap.—Manufacturing by any process whatever.

Spirits.—Manufacturing by any process whatever.

Sulphur.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

Tallow.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

Tar.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Thatching materials.—Selling or storing.

Tiles.—Manufacturing.

Timber.—Selling or storing.

Tobacco (including snuff, cigars, cigarettes and beedies).—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Turpentine.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Wool.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Yarn.—Dyeing :

Provided that no licence shall be required for the storage only of any of the articles mentioned in this Schedule or for boiling paddy when

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such storage or boiling is for domestic use and limited to such quantities as may from time to time be fixed by the Municipal Council.

Gilding or electro-plating.

Keeping a shaving or hair-dressing saloon.

Keeping together pigs or twenty or more sheep or goats or ten or more heads of cattle.

Manufacturing articles from which offensive or unwholesome smells, fumes, dust or noise arise.

In general, any purpose or the doing in the course of any industrial process anything which, in the opinion of the municipal council, is likely to be dangerous to human life, or health or property or is likely to create or cause a nuisance.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

Reg. No. M. 1175.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

EXTRAORDINARY

BANGALORE, WEDNESDAY, JUNE 13, 1951

PART IV.

Section 2-B.

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

No. L.D. 562—Legis. 34-51-1, dated the 13th June 1951.

Ordered that the accompanying Mysore University (Amendment) Act, 1951, which received the assent of His Highness the Maharaja on the 6th day of June 1951, be published as Mysore Act No. XXIII of 1951, in the *Mysore Gazette*, for general information.

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MYSORE ACT No. XXIII OF 1951.

THE MYSORE UNIVERSITY (AMENDMENT) Act, 1951.

(Received the assent of His Highness the Maharaja of Mysore on the 6th day of June 1951.)

An Act further to amend the Mysore University Act, 1933.

Preamble.

WHEREAS it is expedient further to amend the Mysore University Act, 1933, (Mysore Act III of 1933), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Mysore University (Amendment) Act, 1951.

(2) It shall come into force at once.

Amendment of section 13 of Mysore Act III of 1933.

2. For sub-section (1) of section 13 of the Mysore University Act, 1933 (hereinafter referred to as the said Act), the following sub-section shall be substituted, namely,—

"THE SENATE

13. (1) The Senate shall consist of—

Class I—Ex-officio Members.

(*a*) The Vice-Chancellor and the other members of the Council mentioned in Section 14.

(*b*) The Registrar.

(*c*) The Deans of the Faculties.

(*d*) The University Professors.

(*e*) The Principals of affiliated and constituent Colleges.

Class II—Elected Members.

(*f*) Four members elected by the Academic Council from among its members.

(*g*) Six members elected by registered graduates from among themselves.

(*h*) Twelve members elected by and from the Legislative Assembly by the system of the single transferable vote.

Class III—Nominated Members.

(*i*) Other members nominated by the Chancellor so as to make up along with members in classes I and II a total membership not exceeding seventy-five.

Class IV—Additional Members.

(*j*) One representative of each of such Municipalities, District Boards and Associations as undertake to contribute a sum of not less than Rs. 2,000 per annum for a period of not less than five years to the University Fund for the general purposes of the University so long as the contributions continue to be paid; and

(*k*) Every person who contributes to the University Fund for the general purposes of the University a sum of not less than ten thousand rupees or transfers property of the like value. Every such person shall be a life member of the Senate."

3. To section 19 of the said Act, the following sub-section shall be added, namely:— Amendment of section 19 of Mysore Act III of 1933.

"(3) Notwithstanding anything contained in the preceding sections of this Act or in any Statute made thereunder, the State Government may, by notification in the *Mysore Gazette*, and for reasons to be set forth in the notification, extend the term of any Senate, Council, Academic Council, Faculty or other authority of the University constituted under this Act or under any Statute, to such term not exceeding four years in the aggregate."

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION. 542

No. L.D. 563—Legis. 35-51-1, Bangalore, dated 13th June 1951.

Ordered that the accompanying Mysore Town Municipalities (Amendment) Act, 1951, which received the assent of His Highness the Maharaja, on the 6th day of June 1951, be published as Mysore Act No. XXIV of 1951, in the *Mysore Gazette*, for general information.

MYSORE ACT NO. XXIV OF 1951.

THE MYSORE TOWN MUNICIPALITIES (AMENDMENT) ACT, 1951.)

(Received the assent of His Highness the Maharaja of Mysore on the 6th day of June 1951.)

An Act further to amend the Mysore Town Municipalities Act, 1933.

Preamble.

WHEREAS it is expedient further to amend the Mysore Town Municipalities Act, 1933, (Mysore Act VIII of 1933), for the purpose hereinafter appearing;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Mysore Town Municipalities (Amendment) Act, 1951.

Amendment of section 15 of Mysore Act, VIII of 1933.

2. In section 15 of the Mysore Town Municipalities Act, 1933, for the words "four years" the words "four years and six months" shall be substituted.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Reg. No. M. 1175

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

EXTRAORDINARY

BANGALORE, WEDNESDAY, JUNE 13, 1951.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

(No. Fl. (B) 531—Bud. 2-51-1, dated the 13th June 1951.)

In exercise of the powers conferred by Section 5 of the Mysore Cinematograph Shows Tax Act, 1951, (Mysore Act No. XVI of 1951), His Highness the Maharaja of Mysore is pleased to exempt the following classes of Cinematograph shows from payment of the Cinematograph tax subject to the condition that every proprietor of each such show shall comply with and be liable in accordance with provisions of rules 11 and 12 of the Mysore Cinematograph Shows Tax Rules, 1951,—

(1) in respect of shows when the whole of the net proceeds of the show are devoted to philanthropic, religious or charitable purposes, and in calculating the net proceeds when not more than twenty-five per cent of the gross proceeds have been deducted on account of the expenses of the show;

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(2) in respect of shows provided for purposes which are cultural, educational or scientific by an Institution not conducted or established for profit.

By Order of His Highness the Maharaja,

In exercise of the powers conferred by Section 7 of the Mysore Cinematograph Shows Tax Act, 1951, (Mysore Act No. XVI of 1951), His Highness the Maharaja of Mysore is pleased to make the following rules, namely :—

1. These rules may becalled the Mysore Cinematograph Shows Tax Rules, 1951.

2. In these rules, unless there is anything repugnant in the subject of context,—

(i) "Act" means the Mysore Cinematograph Shows Tax Act, 1951 ;

(ii) "Cinematograph Tax Officer" means in respect of any local area an officer of the Police Department, not below the rank of a Police Inspector, or an officer of Revenue Department, not below the rank of an Amildar, authorised by notification in the *Mysore Gazette*, by the Commissioner, to exercise the powers of a Cinematograph Tax Officer ;

(iii) "Commissioner" means the Inspector-General of Police in Mysore, or any other officer authorised by the Government, by notification in the *Mysore Gazette*, to exercise the powers of the Commissioner under these rules ;

(iv) "Form" means a form appended to these rules ;

(v) All other expressions shall have the meanings respectively assigned to them in the Act.

3. (i) Cinematograph Tax Officer shall, for purposes of sub-section (*i*) of Section 3, determine once in

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every year the seating capacity of every place of Cinematograph exhibition in the local area.

(ii) The seating capacity determined under sub-rule (*i*) shall be intimated to the proprietor within ten days from the date of such determination, and the proprietor may within ten days from the date of intimation, appeal against the orders of the Cinematograph Tax Officer to the Commissioner. The decision of the Commissioner on such appeal shall be final.

(iii) A proprietor who alters the seating capacity during the year after the seating capacity has been fixed under sub-rule (*i*), shall intimate in writing, giving particulars of the alteration to the Cinematograph Tax Officer who may, if satisfied that the alteration has been effected, determine the seating capacity accordingly.

(iv) Until the seating capacity is determined for any year under sub-rule (i), the proprietor shall pay the tax based on the seating capacity determined for the preceding year.

4. The Cinematograph Tax shall be payable weekly within three days after the closing of the week ending on Saturday. The proprietor shall credit the Cinematograph Tax into a Government Treasury to the head "XIII—Other Taxes and Duties—D. Other items (*c*) Cinematograph Shows" under triplicate chellan, one of which will be returned to the proprietor by the Treasury duly receipted.

5. The proprietor shall maintain a register in Form I and shall at the close of each month send a return for that month in duplicate in Form I to the Cinematograph Tax Officer before the 5th day of the following month.

6. The Cinematograph Tax Officer shall either by himself or by deputing an official, not below the rank of a Police Daffedar or Revenue Inspector, authorised in writing by the Cinematograph Tax Officer, verify each day the number of shows held at each place of Cinematograph entertainment and shall on the basis of such verification certify the correctness of the return under Rule 5 and forward one copy of the return to the Commissioner.

7. The District Treasury shall forward a copy of the credit schedule for the month with the triplicate

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chellan to the Commissioner who shall verify the return sent to him under Rule 6 with the credits shown in the Schedule and satisfy himself of the correctness of the credits made.

8. The Commissioner shall forward to the Government in the Finance Department on or before the 20th day of every month a statement showing the names of places of Cinematograph shows in each District, the number of shows held in each such place during the preceding month and the amount of Cinematograph Tax realised during the said month.

9. (*i*) The proprietor or the owner or person in charge of any place of Cinematograph exhibition shall give every reasonable assistance to the Commissioner or the Cinematograph Tax Officer or the officers deputed under rule 6 or any other officers authorised in writing by the Commissioner in the performance of their duties.

(*ii*) The proprietor shall, on an order in writing by the Commissioner or the Cinematograph Tax Officer, issue passes to not more than two officers for admission to the place of Cinematograph exhibition for the performance of their duties under these rules.

10. Exemption from payment of Cinematograph tax may be granted.

(*i*) in respect of shows when the whole of the net proceeds of the show are devoted to philanthropic, religious or charitable purposes, and in calculating the net proceeds when not more than twenty-five per cent of the gross proceeds have been deducted on account of the expenses of the show;

(*ii*) in respect of shows provided for purposes which are cultural, educational or scientific by an Institution not conducted or established for profit.

11. Any proprietor claiming exemption from payment of Cinematograph Tax shall, not less than seven clear days before the date of the show, present an application for such exemption to the Government or the officer, if any, to whom the powers of the Government under Section 8 has been delegated. On receipt of such application, the Government or the officer, as the case may be, may in their or his discretion, require the proprietor to deposit such amount as security as they or he considers necessary.

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12. (*i*) A certificate of exemption shall be granted in Form II or Form III, as the case may be, in respect of Cinematograph shows exempted under Section 5 and the proprietor shall comply with the conditions specified in such certificate.

(*ii*) The certificate shall be hung in a conspicuous place and shown to the Inspecting Officer on demand.

13. Not later than seven days from the date of publication of these rules in the *Mysore Gazette*, every proprietor of a Cinematograph entertainment liable to payment of tax under clause (*a*) of sub-section (1) of Section 3 shall furnish to the Commissioner a true and correct return and duly certified by such proprietor of the seating capacity of the place of Cinematograph exhibition and shall credit the Cinematograph tax payable for the period from the date of commencement of the Act till the date of publication of these rules and for every week thereafter on the basis of the seating capacity so furnished.

FORM I

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Name of the place where the show is held	Name of the proprietor	No. of seats as fixed under rule 3	Dates during the month	No. of shows held during the month on particular dates	Rate of tax	Amount payable	Amount paid or balance	Name of Treasury and date of credit (particulars may be given)

Note.—Columns relating to seats will be left blank in the case of shows held with Cinematograph apparatus and plant taken from place to place.

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FORM II

Certificate of Exemption from Cinematograph Tax.

This is to certify that the Cinematograph show specified below is permitted to be given free of Cinematograph Tax provided that the whole of the takings is devoted to Philanthropic, Religious or Charitable purposes as specified below :—

Description

Date

Place

Purpose for which the proceeds are to be utilised.

This certificate is issued subject to the following conditions :—

(1) The whole of the takings of the Cinematograph Show less deduction for expenses as specified in rule 10 shall be paid over to.....

(2) A full and true account of the entire takings shall be furnished by the proprietor to the Institution specified in condition (1) along with the net proceeds and an acknowledgment from the Institution to that effect shall be filed before the undersigned within one month after the date of Cinematograph show.

(3) The proprietor shall be liable for the payment of the proper tax if the undersigned is not satisfied that the net proceeds has in fact been paid over to the Institution referred to.

(4) This certificate shall not be used for any Cinematograph show other than that specified above and it shall be exhibited in a prominent position at the public entrance to the place of Cinematograph show at the time the public are admitted and during the Cinematograph show. No correction or erasure of any kind shall be made or allowed to be made in the certificate.

(5) If the entertainment is not given on the date or at the place specified above, the proprietor shall give notice in writing to that effect within one week after the date fixed for holding it.

(6) The deposit of Rs. .....made by the proprietor ....(name) ....as security for devoting the net proceeds for purposes for the which the Cinematograph Show is intended, will be returned on production of satisfactory proof that they have been so appropriated.

(Signature of the officer issuing the certificate.)

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FORM III.

Certificate of Exemption from Cinematograph Tax.

This is to certify that the Cinematograph show more particularly specified below is provided by an institution not conducted for profit and falls within the scope of rule 10 of the Mysore Cinematograph Shows Tax Rules, 1951, and is therefore entitled to exemption from the levy of the Cinematograph Tax :—

Description

Date

Place

This certificate is subject to the following conditions :

(1) This certificate is liable to cancellation if it appears to have been obtained by fraud or misrepresentation or if the character of the Cinematograph Show as held is not of the character in virtue of which it is exempted. In such cases the Cinematograph Tax shall be levied according to the Act.

(2) This certificate must not be used for any Cinematograph show other than that specified above, and it must be exhibited in a prominent position at the public entrance to the place of Cinematograph Show at the time the public are admitted and during the Cinematograph show. No correction or erasure of any kind must be made or allowed to be made in the certificate.

(*Signature of the Officer*)

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,
Finance Department.

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PART IV

Section I-A

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. L.D. 119—Legis. 3-51-5, dated Bangalore, 21st May 1951.

Ordered that the accompanying Constitution (First Amendment) Bill, 1951, published in the *Gazette of India*, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

BILL No. 48 OF 1951.

THE CONSTITUTION (FIRST AMENDMENT) BILL, 1951.

[AS INTRODUCED IN PARLIAMENT.]

A

BILL

to amend the Constitution of India.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Constitution (First Amendment) Act, 1951.

2. Amendment of article 15.—In clause (*3*) of article 15 of the Constitutionl after the word "children", the words "or for the educational, economic or socia, advancement of any backward class of citizens" shall be added.

3. Amendment of article 19 and validation of certian laws.—(*1*) In article 19 of the Constitution,—

(*a*) for clause (*2*), the following clause shall be substituted, and the said clause shall be deemed to have been originally enacted in the following form, namely :—

"(*2*) Nothing in sub-clause (*a*) of clause (*1*) shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the security of the State, friendly relations with foreign States, public order, decency or morality, restrictions on the exercise of the right conferred by the said sub-clause, and, in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to, contempt of court, defamation or incitement to an offence";

(*b*) in clause (*6*), for the words beginning with the words "nothing in the said sub-clause" and ending with the words "occupation, trade or business", the following shall be substituted, namely :—

"nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to,—

(*i*) the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or

(*ii*) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise."

(*2*) No law in force in the territory of India immediately before the commencement of the Constitution which is consistent with the provisions of article 19 of the Constitution as amended by sub-section (*1*) of this section shall be deemed to be void, or ever to have become void, on the ground only that, being a law which

takes away or abridges the right conferred by sub-clause (*a*) of clause (*1*) of the said article, its operation was not saved by sub-clause (*2*) of that article as originally enacted, and notwithstanding any judgment, decree or order of any court or tribunal to the contrary, every such law shall continue in force until altered or repealed by a competent Legislature or other competent authority.

Explanation.—In this sub-section, the expression "law in force" has the same meaning as in clause (*1*) of article 13 of the Constitution.

4. Insertion of new article 31-A. After article 31 of the Constitution, the following article shall be inserted, and shall be deemed always to have been inserted, namely :—

"31-A. *Saving of laws providing for acquisition of estates, etc.*—(*1*) Notwithstanding anything in the foregoing provisions of this Part, no law providing for the acquisition by the State of any estate or of any rights therein or for the extinguishment or modification of any such rights shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by, any provisions of this Part.

(*2*) In this article,—

(*a*) the expression, "estate" shall, in relation to any local area, have the same meaning as in the existing law relating to land tenures in force in that area ;

(*b*) the expression "rights", in relation to an estate, shall include any rights vesting in a proprietor, sub-proprietor, under-proprietor, tenure-holder or other intermediary and any rights or privileges in respect of land revenue."

5. Insertion of new article 31-B.—After article 31-A of the Constitution as inserted by section 4, the following article shall be inserted, namely :—

"31-B. *Validation of certain Acts.*—Without prejudice to the generality of the provisions contained in article 31-A, none of the Acts specified in the Ninth Schedule nor any of the provisions thereof shall be deemed to be void, or ever to have become void, on the ground that such Act or provision is inconsistent with, or takes away or abridges any of the rights conferred by, any provisions of this Part, and notwithstanding any judgment, decree or order of any court or tribunal to the contrary, each of the said Acts shall continue in force until altered or repealed by a competent Legislature."

6. Amendment of article 85.—For article 85 of the Constitution, the following article shall be substituted, namely :—

"85. *Sessions of Parliament, prorogation and dissolution.*—(*1*) The President shall from time to time summon each House of Parliament to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(*2*) The President may from time to time—

(*a*) prorogue the House or either House ;

(*b*) dissolve the House of the People."

7. Amendment of article 87.—In article 87 of the Constitution,—

(*1*) in clause (*1*), for the words "every session" the words "the first session of each year" shall be substituted ;

(*2*) in clause (*2*), the words "and for the precedence of such discussion over other business of the House" shall be omitted.

8. **Amendment of article 174.**—For article 174 of the Constitution, the following article shall be substituted, namely :—

"174. *Sessions of the State Legislature, prorogation and dissolution.*—(*1*) The Governor shall from time to time summon the House or each House of the Legislature of the State to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(*2*) The Governor may from time to time—

(*a*) prorogue the House or either House ;

(*b*) dissolve the Legislative Assembly."

9. **Amendment of article 176.**—In article 176 of the Constitution,—

(*1*) in clause (*1*), for the words "every session" the words "the first session of each year" shall be substituted ;

(*2*) in clause (*2*), the words "and for the precedence of such discussion over other business of the House" shall be omitted.

10. **Amendment of article 341.**—In clause (*1*) of article 341 of the Constitution, for the words "may, after consultation with the Governor or Rajpramukh of a State," the words "may with respect to any State, and where it is a State specified in Part A or Part B of the First Schedule, after consultation with the Governor or Rajpramukh thereof", shall be subsituted.

11. **Amendment of article 342.**—In clause (*1*) of article 342 of the Constitution, for the words "may, after consulation with the Governor or Rajpramukh of a State", the words "may with respect to any State, and where it is a State specified in Part A or Part B of the First Schedule, after consultation with the Governor or Rajpramukh thereof", shall be substituted.

11. **Amendment of article 372.**—In sub-clause (*a*) of clause (*3*) of article 372 of the Constitution, for the words "two years" the words "three years" shall be substituted.

13. **Amendment of article 376.**—At the end of clause (*1*) of article 376 of the Constitution, the following shall be added, namely :—

"Any such Judge shall, notwithstanding that he is not a citizen of India, be eligible for appointment as Chief Justice of such High Court, or as Chief Justice or other Judge of any other High Court or of the Supreme Court."

14. **Addition of Ninth Schedule.**—After the Eighth Schedule to the Constitution, the following Schedule shall be added, namely :—

"NINTH SCHEDULE

[*Article 31-B*]

1. The Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950).
2. The Bombay Tenancy and Agricultural Lands Act, 1948 (Bombay Act LXVII of 1948.)
3. The Bombay Maleki Tenure Abolition Act, 1949 (Bombay Act LXI of 1949).
4. The Bombay Taluqdari Tenure Abolition Act, 1949 (Bombay Act LXII of 1949).

5. The Panch Mahals Mehwassi Tenure Abolition Act, 1949 (Bombay Act LXIII of 1949).
6. The Bombay Khoti Abolition Act, 1950 (Bombay Act VI of 1950).
7. The Bombay Paragana and Kulkarni Watan Abolition Act, 1950 (Bombay Act LX of 1950).
8. The Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (Madhya Pradesh Act I of 1951).
9. The Madras Estates (Abolition and Conversion into Raiyatwari) Act, 1948 (Madras Act XXVI of 1948).
10. The Madras Estates (Abolition and Conversion into Raiyatwari) Amendment Act, 1950 (Madras Act I of 1950).
11. The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (Uttar Pradesh Act I of 1951)."

STATEMENT OF OBJECTS AND REASONS

During the last fifteen months of the working of the Constitution, certain difficulties have been brought to light by judicial decisions and pronouncements specially in regard to the chapter on fundamental rights. The citizen's rights to freedom of speech and expression guaranteed by article 19(1)(a) has been held by some courts to be so comprehensive as not to render a person culpable even if he advocates murder and other crimes of violence. In other countries with written constitutions, freedom of speech and of the press is not regarded as debarring the State from punishing or preventing abuse of this freedom. The citizen's right to practise any profession or to carry on any occupation, trade or business conferred by article 19(1)(g) is subject to reasonable restrictions which the laws of the State may impose "in the interests of the general public". While the words cited are comprehensive enough to cover any scheme of nationalisation which the State may undertake, it is desirable to place the matter beyond doubt by a clarificatory addition to article 19(6). Another article in regard to which unanticipated difficulties have arisen is article 31. The validity of agrarian reform measures passed by the State Legislatures in the last three years has, in spite of the provisions of clauses (4) and (6) of article 31, formed the subject-matter of dilatory litigation, as a result of which the implementation of these important measures, affecting large numbers of people, has been held up.

The main objects of this Bill are, accordingly, to amend article 19 for the purposes indicated above and to insert provisions fully securing the constitutional validity of zamindari abolition laws in general and certain specified State Acts in particular. The opportunity has been taken to propose a few minor amendments to other articles in order to remove difficulties that may arise.

It is laid down in article 46 as a directive principle of State policy that the State should promote with special care the educational and economic interests of the weaker sections of the people and protect them from social injustice. In order that any special provision that the State may make for the educational, economic or social advancement of any backward class of citizens may not be challenged on the ground of being discriminatory, it is proposed that article 15(3) should be suitably amplified. Certain amendments in respect of articles dealing with the convening and proroguing of the sessions of Parliament have been found necessary and are also incorporated in this Bill. So also a few minor amendments in respect of articles 341, 342, 372 and 376.

JAWAHARLAL NEHRU.

NEW DELHI;
The 10th May, 1951.

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ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

Article 15(3).

(3) Nothing in this article shall prevent the State from making any special provision for women and children.

Article 19.

19. *Protection of certain rights regarding freedom of speech, etc.*—(1) All citizens shall have the right—

(a) to freedom of speech and expression ;

* * * *

(g) to practise any profession, or to carry on any occupation, trade or business.

(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to libel, slender, defamation, contempt of court or any matter which offends against decency or morality or which undermines the security of, or tends to overthrow, the State.

* * * *

(6) Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it prescribes, or empowers any authority to prescribe, or prevent the State from making any law prescribing or empowering any authority to prescribe, the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business.

Article 85

85. *Sessions of Parliament, prorogation and dissolution.*—(1) The Houses of Parliament shall be summoned to meet twice at least in every year, and six months shall not intervene between their last sitting in one session and the date appointed for their first sitting in the next session.

(2) Subject to the provisions of clause (1), the President may, from time to time—

(a) summon the Houses or either House to meet at such time and place as he thinks fit ;

(b) prorogue the Houses ;

(c) dissolve the House of the People.

Article 87

87. *Special address by the President at the commencement of every session.*—(1) At the commencement of every session the President shall address both Houses of Parliament assembled together and inform Parliament of the causes of its summons.

(2) Provision shall be made by the rules regulating the procedure of either House for the allotment of time for discussion of the matters referred to in such address and for the precedence of such discussion over other business of the House.

Article 174

174. *Sessions of the State Legislature, prorogation and dissolution.*—(*1*) The House or Houses of the Legislature of the State shall be summoned to meet twice at least in every year, and six months shall not intervene between their last sitting in one session and the date appointed for their first sitting in the next session.

(*2*) Subject to the provisions of clause (*1*), the Governor may from time to time—

(*a*) summon the House or either House to meet at such time and place as he thinks fit;

(*b*) prorogue the House or Houses;

(*c*) dissolve the Legislative Assembly.

Article 176

176. *Special address by the Governor at the commencement of every session.*—(*1*) At the commencement of every session, the Governor shall address the Legislative Assembly or, in the case of a State having a Legislative Council, both Houses assembled together and inform the Legislature of the causes of its summons.

(*2*) Provision shall be made by the rules regulating the procedure of the House or either House for the allotment of time for the discussion of the matters referred to in such address and for the precedence of such dicussion over other business of the House.

Article 341 (1)

341. *Scheduled Castes.*—(*1*) The President may, after consultation with the Governor or Rajapramukh of a State, by public notification, specify the castes, races or tribes or parts for groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State.

Article 342 (1)

342. *Scheduled Tribes* (*1*) The President may, after consultation with the Governor or Rajapramukh of a State, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this constitution be deemed to be Scheduled Tribes in relation to that State.

Article 372 (3)(a)

(*3*) Nothing in clause (*2*) shall be deemed—

(*a*) to empower the President to make any adaptation or modification of any law after the expiration of two years from the commencement of this Constitution; or

Article 376(1)

376. *Provisions as to Judges of High Courts.*—(*1*) Notwithstanding anything [illegible] clause (*2*) of article 217, the Judges of a High Court in any Province holding [illegible] immediately before the commencement of this constitution shall unless they [illegible] elected otherwise, become on such commencement the Judges of the High [illegible] in the corresponding State, and shall thereupon be entitled to such salaries [illegible]wances and to such rights in respect of leave of absence and pension as are [illegible]ed for under article 221 in respect of the Judges of such High Court.

[illegible]ted by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 422—Legis. 4-51-22, Dated, Bangalore the 21st May 1951.

Ordered that the accompanying Vishva-Bharati Act, 1951, (Central Act No. XXIX of 1951) published in the *Gazette of India*, Part II, Section 1, dated the 10th May 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

Received assent on 9th May 1951.

GOVERNMENT OF INDIA

MINISTRY OF LAW

THE VISHVA-BHARATI ACT, 1951.

(XXIX OF 1951)

AN

ACT

to declare the institution known as "Vishva Bharati" to be an institution of national importance and to provide for its functioning as a unitary, teaching and residential university.

BE it enacted by Parliament as follows :—

PRELIMINARY

1. Short title and commencement.—(1) This Act may be called the Vishva-Bharati Act, 1951.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Declaration of Vishva-Bharati as an institution of national importance.—Whereas the late Rabindranath Tagore (Thakur) founded an institution known as Vishva-Bharati at Santiniketan in the district of Birbhum in West Bengal the objects of which are such as to make the institution one of national importance, it is hereby declared that the institution known as "Vishva-Bharati" aforesaid is an institution of national importance.

3. Definitions.—In this Act and in all Statutes made hereunder, unless the context otherwise requires,—

(*a*) "Shiksha Samiti" (Academic Council) means the Shiksha Samiti (Academic Council) of the University ;

(*b*) "Alumni Association" means the Association of the Alumni of the University constituted under the provisions of this Act and the Statutes ;

(*c*) "Samsad" (Court) means the Samsad (Court) of the University ;

(*d*) "Karma Samiti" (Executive Council) "means the Karma Samiti (Executive Council) of the University ;

(*e*) "Bhavan" (Hall) means a unit of residence with provision for tutorial instruction for students provided or recognised by the University ;

(*f*) "Chatravasa" (Hostel) means a unit of residence for students provided or recognised by the University ;

(*g*) "Statutes", "Ordinances" and "Regulations" mean respectively the Statutes, Ordinances and Regulations of the University for the time being in force ;

(*h*) "teachers" means such persons as are engaged in imparting instruction and guiding students in practical work or otherwise in the University and in the institutions under its control, and includes professors, readers, lecturers, demonstrators and other grades of teachers appointed by the University ;

(*i*) "University" means the institution known as Vishva-Bharati incorporated as a University under this Act.

THE UNIVERSITY

4. **Incorporation.**—The first Acharya (Chancellor) and Upacharya (Vice-Chancellor) of the University who shall be the persons appointed in this behalf by the Central Government by notification in the Official Gazette, and the first members of the Samsad (Court), and all persons, who may hereafter become or be appointed as such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of Vishva-Bharati, and shall have perpetual succession and a common seal, and shall sue and be sued by that name.

5. **Effect of incorporation of the University in certain cases.**—On and from the commencement of this Act,—

(i) all references in any enactment to the Society of the name of Vishva-Bharati registered on the 16th May 1922, under the Societies Registration Act, 1860 (XXI of 1860) shall be construed as references to the University ;

(ii) any will, deed or other document whether made or executed before or after the commencement of this Act, which contains any bequest, gift or trust in favour of the said Society shall, on the commencement of this Act be construed as if the University was therein named instead of the said Society ;

(iii) subject to the provisions of this Act, every person employed immediately before the commencement of this Act in the said Society shall hold employment in the University by the same tenure and upon the same terms and conditions and with the same rights and privileges as to pension and gratuity as he would have held under the said Society, if this act had not been passed :

Provided that if the University decides to alter the terms and conditions of service of any such employee, a fresh contract shall be executed for the purpose, and if the employee is not agreeable to serve under the new terms and conditions, his services may be terminated in accordance with his original contract of employment or, if no provision is made therein in this behalf, on payment to him by way of compensation of an amount equal to his salary for six months.

6. **Powers of the University.**—The University shall exercise the following powers and perform the following duties, namely :—

(*a*) to provide for research and instruction in such branches of learning as may be deemed desirable and be found practicable and for the promotion of understanding of cultures between the East and the West and for the advancement of learning and dissemination of knowledge generally ;

(*b*) to maintain schools, colleges and Bhavans (halls) or recognise schools, colleges and Bhavans (halls) not maintained by the University and to withdraw such recognition ;

(*c*) to organise, establish, carry on and maintain, or dissolve or give up, new branches, or affiliate, carry on and maintain or disaffiliate associated institutions having objects similar to those of the University ;

(*d*) to co-operate with educational or other institutions in any part of the world having objects wholly or partly similar to those of the University by exchange of teachers, scholars and generally in such manner as may be conducive to their common objects ;

(*e*) to provide for the promotion of rural reconstruction, social welfare, development of cottage industries, and all other nation-building activities and works of public benefit ;

(*f*) to hold examinations and grant such degrees, diplomas and other academic distinctions or titles to persons as may be laid down in the Statutes, Ordinances or Regulations ;

(*g*) to institute and appoint persons to professorships, readerships, lectureships, fellowships and chairs or posts of any description ;

(*h*) to frame Statutes, Ordinances or Regulations, and alter, modify or rescind the same ;

(*i*) to receive gifts, donations or benefactions from Government and to receive bequests, donations, and transfers of moveable or immoveable properties from testators, donors or transferors, as the case may be ;

(*j*) to deal with any property belonging to or vested in the University in such manner as to the University may seem fit for advancing the objects of the University ;

(*k*) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University, and in particular the attainment of the objects set out in the First Schedule for which the institution known as Vishva-Bharati was founded by the late Rabindranath Tagore.

7. **Territorial jurisdiction of the University.**—Save as otherwise provided in this Act, the powers of the University conferred by or under this Act shall be restricted to the area specified in the second schedule.

8. **University to be open to all races, creeds and classes.**—The University shall be open to all persons irrespective of sex, nationality, race, creed, caste or class, and no test or condition shall be imposed as to religious belief or profession in admitting or appointing members, students, teachers, workers, or in any other connection whatsoever, except in respect of any particular benefaction accepted by the University of which such test is made a condition by the instrument creating such benefaction :

Provided that no benefaction shall hereafter be accepted which in the opinion of the authorities of the University involves conditions or obligations opposed to the spirit and object of this section :

Provided further that nothing in this section shall be deemed to prevent religious instruction being given in any manner approved of by the authorities concerned to those who have given their consent thereto by teachers duly and properly authorised for that purpose.

9. **Teaching at the University.**—All teaching in the University shall be conducted by and in the name of the University in accordance with the Statutes and Ordinances made in this behalf.

THE PARIDARSAKA (VISITOR)

10. **The Paridarsaka (Visitor).**—(1) The President shall be the Paridarsaka (Visitor) of the University.

(2) The Paridarsaka (Visitor) shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories and equipment, and of any institution maintained by the University and also of the examinations, teaching and other work conducted or done by the University, and to cause an inquiry to be made in like manner in respect of any matter connected with the University.

(3) The Paridarsaka (Visitor) shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to be represented thereat.

(4) The Paridarsaka (Visitor) may address the Upacharya (Vice-Chancellor) with reference to the result of such inspection and inquiry, and the Upacharya (Vice-Chancellor) shall communicate to the Karma Samiti (Executive Council) the views of the Paridarsaka (Visitor) with such advice as the Paridarsaka (Visitor) may offer upon the action to be taken thereon.

(5) The Karma Samiti (Executive Council) shall communicate through the Upacharya (Vice-Chancellor) to the Paridarsaka (Visitor) such action, if any, as it is proposed to take or has been taken on the result of such inspection or inquiry.

(6) When the Paridarsaka (Visitor) has in pursuance of this section addressed the Upacharya (Vice-Chancellor) in connection with any financial or administrative matter relating to the University and the Karma Samiti (Executive Council) does not, within a reasonable time, take action to the satisfaction of the Paridarsaka (Visitor) in respect thereof, the Paridarsaka (Visitor) may after considering any explanation furnished or representation made by the Karma Samiti (Executive Council), issue such directions as he may think fit, and the Karma Samiti (Executive Council) shall comply with such directions.

(7) The Karma Samiti (Executive Council) shall report to the Samsad (Court) at the next annual meeting the action, if any, that may have been taken or is proposed to be taken as a result of the inquiry made and the advice given by the Paridarsaka (Visitor).

THE PRADHANA (RECTOR).

11. The Pradhana (Rector).—The Governor of West Bengal shall be the Pradhana (Rector) of the University.

OFFICERS OF THE UNIVERSITY.

12. Officers of the University.—The following shall be the officers of the University :—

(i) the Acharya (Chancellor),
(ii) the Upacharya (Vice-Chancellor),
(iii) the Artha-Sachiva (Treasurer),
(iv) the Karma-Sachiva (Registrar), and
(v) such other officers as may be declared by the Statutes to be officers of the University.

13. The Acharya (Chancellor).—(1) The successors to the first Acharya (Chancellor) shall be elected by the Samsad (Court) in the manner prescribed by the Statutes.

(2) The Acharya (Chancellor) shall hold office for three years, and by virtue of his office, be the Head of the University.

(3) The Acharya (Chancellor) shall, if present, preside at the Convocations of the University and at meetings of the Samsad (Court).

(4) Every proposal for the conferment of an honorary degree shall be subject to the confirmation of the Acharya (Chancellor).

(5) The Acharya (Chancellor) shall have such other powers as may be conferred on him by this Act or the Statutes.

14. The Upacharya (Vice-Chancellor).—(1) The Upacharya (Vice-Chancellor) shall be the principal academic and executive officer of the University, and the terms and conditions of service of the Upacharya (Vice-Chancellor) shall be as laid down by the Statutes.

(2) The Upacharya (Vice-Chancellor) shall exercise such powers and perform such functions as may be prescribed by the Statutes.

(3) The mode of appointment of the successors to the first Upacharya (Vice-Chancellor) shall be as laid down in the Statutes.

15. The Artha-Sachiva (Treasurer).—The Artha-Sachiva (Treasurer) shall be appointed in such manner, upon such conditions and for such period as may be laid down in the Statutes, and shall exercise general supervision over the funds of the University and shall perform such functions as may be prescribed by the Statutes and the Ordinances.

16. The Karma-Sachiva (Registrar).—The Karma-Sachiva (Registrar) shall act as the Secretary to the Samsad (Court) and the Karma Samiti (Executive Council) of the University, and shall perform such functions as may be prescribed by the Statutes and the Ordinances and the manner and the terms and conditions of appointment of the Karma-Sachiva shall be laid down by the Statutes.

17. Other Officers.—The powers of officers of the University other than the Acharya (Chancellor), the Upacharya (Vice-Chancellor) and the Artha-Sachiva (Treasurer) shall be as prescribed by the Statutes.

AUTHORITIES OF THE UNIVERSITY

18. Authorities of the University.—The following shall be authorities of the University :—

(1) the Samsad (Court),
(2) the Karma Samiti (Executive Council),
(3) the Shiksha Samiti (Academic Council), and
(4) such other authorities as may be declared by the Statutes to be authorities of the University.

19. The Samsad (Court).—(1) The Samsad (Court) shall consist of the following persons, namely :—

Class I—Ex-officio *members*

(i) the Acharya (Chancellor),
(ii) the Upacharya (Vice-Chancellor),
(iii) the Minister of Education in the Government of West Bengal,
(iv) the Artha-Sachiva (Treasurer),
(v) Principals of Colleges,
(vi) Heads of Departments,

Class II—Life members

(vii) persons who have been *pradhanas* of the Vishva-Bharati Society immediately before the commencement of this Act,

(viii) such persons as may be appointed by the Paridarsaka (Visitor) either on his own motion or on the recommendation of the Karma Samiti (Executive Council) to be life members of the Samsad (Court) on the ground that they have rendered eminent service to education,

Class III—Other members

(ix) representatives of the Alumni Association elected from among its own members,

(x) persons elected from among their own body by donors of such amounts as may be prescribed by the Statutes to or for the purposes of the University,

(xi) persons elected by Shiksha Samiti (Academic Council) from among its own members,

(xii) representatives of Parliament elected by it,

(xiii) persons co-opted by the Samsad (Court),

(xiv) persons nominated by the Paridarsaka (Visitor),

(xv) persons nominated by the Pradhana (Rector),

(xvi) persons nominated by the Acharya (Chancellor).

(2) The number of members to be appointed, elected, co-opted or nominated under clauses (viii) to (xvi) of sub-section (1) and the tenure of office of members to be elected, co-opted or nominated under each clause of Class III of that sub-section and the mode of election of members to be elected shall be prescribed by the Statutes.

20. Meetings of the Samsad (Court).—(1) The Samsad (Court) shall, on a date to be fixed by the Upacharya (Vice-Chancellor), meet once a year at a meeting to be called the annual meeting of the Samsad (Court).

(2) The Upacharya (Vice-Chancellor) may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than one-third of the members of the Samsad (Court), convene a special meeting of the Samsad (Court).

21. Powers and duties of the Samsad (Court).—(1) The Samsad (Court) shall be the supreme governing body of the University and shall exercise all the powers of the University, not otherwise provided for by this Act, the Statutes, the Ordinances and the Regulations, and shall have power to review the acts of the Karma Samiti and Shiksha Samiti (Executive and Academic Councils).

(2) Subject to the other provisions contained in this Act, the Samsad (Court) may—

(*a*) make Statutes ;

(*b*) consider the Ordinances and the Regulations ;

(*c*) consider and pass such resolutions on the annual report, the annual accounts and the financial estimates as it thinks fit ;

(*d*) elect such persons to serve on authorities of the University and appoint such officers as may be prescribed by this Act or the Statutes ; and

(*e*) exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the Statutes.

22. The Karma Samiti (Executive Council).—The Karma Samiti (Executive Council) shall be the executive body of the University and its constitution and the term of office of its members shall be prescribed by the Statutes.

23. Powers and duties of the Karma Samiti (Executive Council).—The Karma Samiti (Executive Council)—

(*a*) shall hold, control and administer the property and funds of the University, and for these purposes, it shall have a Standing Finance Committee whose constitution and powers and duties shall be defined by Statutes ;

(*b*) shall determine the form, provide for the custody and regulate the use, of the common seal of the University ;

(*c*) shall submit to the Central Government annually a full statement of the financial requirements of the University ;

(*d*) shall administer any funds placed at the disposal of the University for specific purposes ;

(*e*) subject to the provisions of this Act and the Statutes, shall appoint the officers [other than the Acharya (Chancellor), the Upachaya (Vice-Chancellor), and the Artha-Sachiva (Treasurer)] teachers and other servants of the University, and shall define their duties and the conditions of their service, and shall provide for the filling of temporary vacancies in their posts ;

(*f*) shall have power to accept on behalf of the University transfers of any moveable or immoveable property ;

(*g*) shall appoint examiners after consideration of the recommendations of the Shiksha Samiti (Academic Council) ;

(*h*) shall arrange for the holding of, and publish the results of the University examinations ;

(*i*) may delegate, subject to such conditions as may be prescribed by the Ordinances its power to appoint officers, teachers and other servants of the University to such person or authority as the Karma Samiti (Executive Council) may determine ;

(*j*) shall exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes :

Provided that no action shall be taken by the Karma Samiti (Executive Council) in respect of the number, qualifications and status of teachers, otherwise than on a recommendation of the Shiksha Samiti (Academic Council) ;

(*k*) shall exercise all other powers of the University not otherwise provided for by this Act or the Statutes.

24. The Shiksha Samiti (Academic Council).—(1) The Shiksha Samiti, (Academic Council) shall be the academic body of the University, and shall, subject to the provisions of this Act, the Statutes and the Ordinances, have the control and general regulation, and be responsible for the maintenance of standards of instruction, education and examination within the University, and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes and shall have the right to advise the Karma Samiti (Executive Council) on all the academic matters.

(2) The constitution of the Shiksha Samiti (Academic Council) and the terms of office of its members shall be prescribed by the Statutes.

25. Other authorities of the University.—The constitution, powers and duties of such other authorities as may be declared by the Statutes to be authorities of the University shall be as provided for in the Statutes.

26. Alumni Association.—The University shall have an Alumni Association open to past students and past workers of the University, including members of the Asramika Sangha of the former Vishva-Bharati Society, on such conditions as may be laid down in the Statutes.

STATUTES, ORDINANCES AND REGULATIONS.

27. Statutes.—Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :—

(*a*) the conferment of honorary degrees ;

(*b*) the institution of fellowships, scholarships, exhibitions, medals and prizes ;

(*c*) the designations and powers, functions and duties of the officers of the University ;

(*d*) the terms of office and the method and conditions of election or appointment of the officers of the University ;

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(e) the constitution, powers and duties of the authorities of the University;

(f) the classification and mode of appointment and the determination of the terms and conditions of service of teachers of the University;

(g) the institution and maintenance of Bhawanas (Halls) and Chatravasas (Hostels);

(h) the constitution of pension, insurance and provident fund for the benefit of the officers, teachers and other servants of the University;

(i) the constitution and activities of the Alumni Association;

(j) the discipline of students; and

(k) any other matters which by this Act are to be or may be prescribed by the Statutes.

28. Statutes how made.—(1) The first Statutes shall be framed by the first Acharya (Chancellor) and shall be subject to the approval of the Paridarsaka (Visitor).

(2) The Statutes may be amended, repealed or added to by Statutes made by the Samsad (Court) in the manner hereinafter appearing.

(3) The Karma Samiti (Executive Council) may propose to the Samsad (Court) the draft of any Statute to be passed by the Samsad (Court), and such draft shall be considered by the Samsad (Court), at its next succeeding meeting. The Samsad (Court) may approve such draft and pass the Statute, or may reject it or return it to the Karma Samiti (Executive Council) for reconsideration, either in the whole or in part, together with any amendments which the Samsad (Court) may suggest.

(4) After any draft so returned has been further considered by the Karma Samiti (Executive Council), together with any amendments suggested by the Samsad (Court) returned thereto, it shall be again presented to the Samsad (Court) with the report of the Karma Samiti (Executive Council) thereon, and the Samsad (Court) may then deal with the draft in any way it thinks fit.

(5) Where any Statute has been passed or a draft of a Statute or part thereof has been rejected by the Samsad (Court), it shall be submitted to the Paridarsaka (Visitor), who may refer the Statute or draft back to the Samsad (Court) for further consideration or, in the case of a Statute passed by the Samsad (Court), assent thereto or withhold his assent.

(6) A Statute passed by the Samsad (Court) shall have no validity until it has been assented to by the Paridarsaka (Visitor).

(7) The Karma Samiti (Executive Council) shall not propose the draft of any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal, and any opinion so expressed shall be in writing and shall be considered by the Samsad (Court), and shall be submitted to the Paridarsaka (Visitor).

(8) The Samsad (Court) may of its own motion take into consideration the draft of any Statute:

Provided that in any such case before a Statute is passed affecting the powers or duties of the Acharya (Chancellor), the Upacharya (Vice-Chancellor) or the Artha-Sachiva (Treasurer) or any authority or board, the opinion of the Karma Samiti (Executive Council) and a report from the person or body concerned shall have been taken into consideration by the Samsad (Court).

29. Ordinances.—Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

(a) the admission of students to the University;

(*b*) the courses of study to be laid down for all degrees and diplomas of the University ;

(*c*) the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the University, and shall be eligible for degrees and diplomas ;

(*d*) the conditions of the award of the fellowships, scholarships, exhibitions, medals and prizes ;

(*e*) the conditions and mode of appointment and duties of examining bodies, examiners and moderators ;

(*f*) the conduct of examinations ;

(*g*) the conditions of residence of the students of the University and the levying of fees for residence in Bhawanas (Halls) and Chatravasas (Hostels) and of other charges ;

(*h*) the fees to be charged for courses of study in the University and for admission to the examinations, degrees, and diplomas of the University ;

(*i*) the maintenance of discipline among the students of the University ;

(*j*) the number and qualifications of teachers of the University ;

(*k*) the formation of departments of teachers ; and

(*l*) any other matters which by this Act or the Statutes are to be or may be provided for by the Ordinances.

30. Ordinances, how made.—(1) Save as otherwise provided in this section, Ordinances shall be made by the Karma Samiti (Executive Council) :

Provided that—

(*a*) no Ordinance shall be made affecting the admission or enrolment of students, or prescribing examinations to be recognised as equivalent to the University examinations unless a draft of the same has been proposed by the Shiksha Samiti (Academic Council) ; and

(*b*) no Ordinance shall be made affecting the conditions and mode of appointment or duties of examiners or the conduct or standard of examinations or any course of study, except in accordance with a proposal of the Shiksha Samiti (Academic Council) and unless a draft of such Ordinance has been proposed by the Shiksha Samiti (Academic Council) in the manner prescribed by the Statutes ; and

(*c*) no Ordinance shall be made affecting the conditions of residence of students, except after compliance with such conditions as may be prescribed by the Statutes.

(2) The Karma Samiti (Executive Council) shall not have the power to amend any draft proposed by the Shiksha Samiti (Academic Council) under the provisions of sub-section (1), but may reject it or return it to the Shiksha Samiti (Academic Council) for reconsideration either in whole or in part, together with any amendments which the Karma Samithi (Executive Council) may suggest.

(3) All Ordinances made by the Karma Samiti (Executive Council) shall have effect from such date as it may direct, but every Ordinance so made shall be submitted, as soon as may be, to the Paridarsaka (Visitor) and the Samsad (Court), and shall be considered by the Samsad (Court) at its next succeeding meeting.

(4) The Samsad (Court) shall have power by a resolution passed by a majority of not less than two-thirds of the members present at such meeting to modify or cancel any such Ordinance and such Ordinance shall, from the date of such resolution, stand modified or cancelled as the case may be.

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(5) The Paridarsaka (Visitor) may, at any time after any Ordinance has been considered by the Samsad (Court), signify to the Samsad (Court) and the Karma Samiti (Executive Council) his disallowance of such Ordinance, on the ground that it is repugnant to or contravenes any of the provisions of this Act and from the date of receipt by the Karma Samiti (Executive Council) of intimation of such disallowance, such Ordinance shall become void.

(6) The Paridarsaka (Visitor) may direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance and any order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order, or on the expiration of fifteen days, from the date of consideration of the Ordinance by the Samsad (Court), whichever period expires later.

(7) Where the Karma Samiti (Executive Council) has rejected the draft of an Ordinance proposed by the Shiksha Samiti (Academic Counci), the Shiksha Samiti (Academic Council) may appeal to the Samsad (Court) which, after obtaining the views of the Karma Samiti (Executive Council), may, if it approves the draft, make the Ordinance and submit it to the Paridarsaka (Visitor), for approval.

31. Regulations.—(1) The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances—

(*a*) laying down the procedure to be observed at their meetings and the number of members required to form a quorum ;

(*b*) providing for all matters which by this Act, the Statutes or the Ordinances are to be prescribed by the Regulations ; and

(*c*) providing for all other matters solely concerning the authorities or committees appointed by them and not provided for by this Act, the Statutes and the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meetings and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Karma Samiti (Executive Council) may direct the amendment, in such manner as it may specify, of any Regulation made under this section or the amendment of any Regulation made under sub-section (1).

32. Residence.—Every student of the University shall reside in a Bhawanas (Halls) or Chatravasa (Hostel) or under such conditions as may be prescribed by the Statutes and the Ordinances.

ADMISSION AND EXAMINATIONS.

33. Admission.—Admission of students to the University shall be made in such manner as may be prescribed by the Ordinances.

34. Examinations.—Subject to the provisions of Statutes, all arrangements for the conduct of examinations shall be made by the Karma Samiti (Executive Council) in such manner as may be prescribed by the Ordinances.

ANNUAL REPORTS AND ACCOUNTS.

35. Annual Reports.—(1) The annual report of the University shall be prepared under the directions of the Karma Samiti (Executive Council), and shall be submitted to the Samsad (Court) on or before such date as may be prescribed by the Statutes, and shall be considered by the Samsad (Court) at its annual meeting.

(2) The Samsad (Court) may pass resolutions on the annual report and communicate the same to the Karma Samiti (Executive Council) which shall take such action as it thinks fit, and the Karma Samiti (Executive Council) shall inform the Samsad (Court) of the action taken by it, and, when no action is taken, of its reasons therefor.

36. Annual Accounts.—(1) The annual accounts and balance-sheet of the University shall be prepared under the direction of the Karma Samiti (Executive Council), and shall be submitted to the Central Government.

(2) The audit of the accounts of the University shall be carried out according to the directions of the Central Government.

(3) Copies of the audited accounts together with copies of the audit report, if any, shall be submitted to the Samsad (Court) and to the Paridarsaka (Visitor).

(4) The annual accounts and the financial estimates shall be considered by the Samsad (Court) at its annual meeting, and the Samsad (Court) may pass resolutions thereon and communicate the same to the Karma Samiti (Executive Council) which shall take them into consideration and take such action thereon as it thinks fit or inform the Samsad (Court), when no action is taken, of its reasons therefor.

SUPPLEMENTARY PROVISIONS.

37. Conditions of service of officers and teachers.—Every salaried officer and teacher of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the officer or teacher concerned.

38. Tribunal of Arbitration.—Eevery dispute arising out of a contract between the University and any of its officers or teachers shall be referred to a Tribunal of Arbitration consisting of one member appointed by the Karma Samiti (Executive Council), one member nominated by the officer or teacher concerned and an umpire appointed by the Paridarsaka (Visitor), and the decision of the Tribunal shall be final.

39. Pension and provident funds.—(1) The University shall constitute, for the benefit of its officers [including the Upacharya (Vice-Chancellor)], teachers, and other servants, in such manner and subject to such conditions as may be prescribed by the Statutes, such pension, insurance and provident funds as it may deem fit.

(2) Where any such pension, insurance or provident fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 (XIX of 1925), shall apply to such fund as if it were a Government Provident Fund.

40. Filling of casual vacancies.—(1) Subject to any provision in this Act and in the Statutes, the Karma Samiti (Executive Council), shall appoint with the approval of the Paridarsaka (Visitor) a person to fill a casual vacancy in the office of the Upacharya (Vice-Chancellor), and the person so appointed shall hold office till the next meeting of the Samsad (Court).

(2) All casual vacancies among the members (other than *ex-officio* members) of any authority or other body of the University shall be filled, as soon as conveniently may be, by the person or body who appointed, elected or co-opted the member whose place has become vacant, and the person appointed, elected or co-opted to a casual vacancy shall be member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

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41. Removal from membership of the University.—The Samsad (Court) may, on the recommendation of not less than two-thirds of the members of the Karma Samiti (Executive Council), remove any person from membership of any authority or board of the University in case of a serious offence involving moral turpitude, or if he has been guilty of scandalous conduct and for the same reasons may withdraw any degree or diploma conferred or granted by the University.

42. Disputes as to constitution of any University authority or body.—If any question arises whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Paridarsaka (Visitor), whose decision thereon shall be final.

43. Constitution of committees.—Where any authority of the University is given power by this Act or by the Statutes to appoint committees, such committee shall, unless there is some special provision to the contrary, consist of members of the authority concerned and of such other persons (if any) as the authority in each case may think fit.

44. Proceedings of the University authorities not invalidated by vacancies.—No act or proceeding of any authority or other body of the University shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members.

45. Power to remove difficulties.—If any difficulty arises with respect to the establishment of the University or any authority of the University or in connection with the first meeting of any authority of the University, the Paridarsaka (Visitor) in consultation with the Upacharya (Vice-Chancellor) may by order, make any appointment or do anything which appears to it necessary or expedient for the proper establishment of the University or any authority thereof or for the first meeting of any authority of the University.

THE FIRST SCHEDULE.

[*See* section 6(k)]

The objects for which the late Rabindranath Tagore founded the Vishva-Bharati at Santiniketan —

(i) to study the mind of Man in its realisation of different aspects of of truth from diverse points of view,

(ii) to bring into more intimate relations with one another, through the patient study and research, the different cultures of the East on the basis of their underlying unity,

(iii) to approach the West from the standpoint of such a unity of the life and thought of Asia,

(iv) to seek to realise in a common fellowship of study the meeting of the East and the West, and thus ultimately to stengthen the fundamental conditions of world peace through the establishment of free communication of ideas between the two hemispheres, and

(v) with such ideals in view to provide at Santiniketan aforesaid a Centre of Culture where research into and study of the religion, literature, history, science and art of Hindu, Buddhist, Jain, Islamic, Sikh, Chistian and other civilizations may be pursued along with the culture of the West, with that simplicity in externals which is necessary for true spiritual realisation, in amity, good-fellowship and co-operation between the thinkers

and scholars of both Eastern and Western countries, free from all antagonisms of race, nationality, creed or caste.

THE SECOND SCHEDULE.

(*See* section 7)

The territorial limits of the University.

The area known as Santiniketan in the District of Birbhum in West Bengal, admeasuring 11·5 square miles, bounded—

on the north by the Kopai River,

on the west by a line running from Ballavpur and Bonuri Villages to Bandgora,

on the south by a line running from Bandgora *via* Bolpur Dak Bungalow to the bridge over the East Indian Railway cutting and

on the east by the East Indian Railway line.

K. V. K. SUNDARAM,
Secy. to Govt. of India.

PART IV

Section I-C

RULES, ORDERS AND NOTIFICATIONS, UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 455—Legis. 5-51-6, dated Bangalore, the 22nd May 1951.

Ordered that the accompanying Notifications No. S.R.O. 612, 613 and 614 of the Ministry of Finance (Revenue Division) amending the Central Excise Rules, 1944, published in the *Gazette of India*, Part II, Section 3, dated the 28th April 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE (REVENUE DIVISION).

NOTIFICATIONS.

Central Excises.

New Delhi, the 28th April 1951.

S.R.O. 612.—In exercise of the powers conferred by Section 37 of the Central Excise and Salt Act, 1944 (I of 1944), the Central Government hereby directs that with effect from the 28th April 1951, the following further amendments shall be made in the Central Excise Rules, 1944, namely :—

In the said Rules—

I. In the table appended to rule 176, the following items shall be omitted :—
"1A. Biris and Snuff
A manufacturer.....Fifty."

II. Rule 184-A shall be omitted.

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III. In Form B.-2, in Appendix I,

(i) for the words, figure, letter and brackets "(rules 48 and 184A)", the word, figure and brackets "(rule 48)" shall be substituted ;

(ii) after the words "at his/their factory at.....", the following words and brackets shall be deleted—

"*(including all the premises appurtenant thereto, situated at such place or at any other place where contractors, agents and workers may be employed for the purpose of manufacture).

* For manufacturers of tobacco products only."

IV. In Appendix I, for the entry against item 21, in column 3, the following shall be substituted—

"48".

[No. 15.]

S.R.O. 613.—In exercise of the powers conferred by sub-rule (1) of rule 8 of the Central Excise Rules, 1944, the Central Government hereby directs that with effect from the 28th April 1951, the Notification of the Government of India in the Ministry of Finance (Revenue Division) No. 5-Central Excises, dated the 1st March 1951, shall be cancelled.

[No. 16.]

S.R.O. 614.—In exercise of the powers conferred by sub-rule (1) of rule 8 of the Central Excise Rules, 1944, the Central Government hereby directs that, with effect from the 28th April 1951, in the Notification of the Government of India in the Ministry of Finance (Revenue Division) No. 12-Central Excises, dated 7th April 1951, for the words "eight annas" the words "fourteen annas" shall be substituted.

[No. 17.]

D. P. ANAND, Deputy Secy.

NOTIFICATION.

No. L.D 456—Legis. 5-51-5, dated Bangalore, the 22nd May 1951.

Ordered that the accompanying Notification No. S.R.O 611 dated the 27th May 1951, of the Ministry of Communications amending the Indian Post Office Rules, 1933, published in the *Gazette of India*, Part II, Section 3, dated the 28th April 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

NOTIFICATION.

POSTS AND TELEGRAPHS.

New Delhi, the 27th April 1951.

S.R.O. 611.—In exercise of the powers conferred by sections 7, 16, 28, 30, 31, 32 34, 35 and 43 of the Indian Post Office Act, 1898, (VI of 1898), the Central Government hereby directs that, with effect from the 1st May, 1951, the following further amendments shall be made in the Indian Post Office Rules, 1933, namely :—

In the said Rules—

(1) In rule 1, under the heading "Letters" the following entries shall be omitted, namely :—

"*Local delivery letters.*

For a weight not exceeding one tola	... ...	One anna.
For every tola, or fraction thereof, exceeding one tola	...	One anna.

Other Letters"

(2) In rule 4, under the heading "Business Reply Envelopes" the following entries shall be omitted, namely :—

"*Local delivery business Reply Envelopes*

For a weight not exceeding one tola	... ...	One anna.
For every tola or fraction thereof, exceeding one tola	...	One anna.

Other Business Reply Envelopes"

(3) In Rule 14-A and the heading thereof the words "letters and" wherever they occur, shall be omitted.

(4) In the second proviso to sub-rule (1) of rule 47, the words "letter or" shall be omitted.

(5) In rules 59 and 68, for the word "four" the words "four and a half" shall be substituted.

(6) In rule 72 for "Rs. 3,000", "Rs. 5,000" shall be substituted and that rule, shall be renumbered as sub-rule (1) of that rule, and after sub-rule (1) as so renumbered the following sub-rule shall be inserted. namely :—

"(2) Notwithstanding anything contained in sub-rule (1), the insurance of all value payable articles on which the amount specified for recovery exceeds Rs. 25 except value payable packets shall be compulsory for at least the amount specified for recovery from the addressee."

(7) In rule 74 for the scale of fees for insurance, the following shall be substituted, namely :—

"Where the value insured does not exceed Rs. 100	...	Annas 4.
For every additional Rs. 100 or fraction thereof over Rs. 100	..	Annas 2"

(8) Rule 84 shall be renumbered as sub-rule (1) of that rule and after sub-rule (1) as so renumbered the following sub-rules shall be inserted, namely :—

"(2) Notwithstanding anything contained in rub-rule (1), the insurance of all foreign value payable articles or cash on delivery parcels on which the amount specified for recovery exceeds Rs. 25 or £2, except value payable packets, shall be compulsory for their transit in India for at least the amount specified for recovery from the addressee and the fee charged for such insurance shall be as mentioned in sub-rule (1) of rule 92.

(3) If an un-insured foreign value payable article or cash on delivery parce, on which the amount specified for recovery exceeds Rs. 25 or £2 excepting value payable packets, is received from any foreign country, the article shall be forwarded to destination by the inward foreign office of exchange as an insured article and delivered to the addressee subject to the payment of an insurance fee calculated in the manner prescribed in rub-rule (2) of rule 92 on the amount specified for recovery."

(9) In rule 85, under the heading, "*for insurance* of letters and parcels to Aden, Pakistan or Ceylon and of letters to Portuguese India", for the scale of fees for insurance specified thereunder the following scale of fees shall be substituted, namely :—

"Where the value insured does not exceed Rs. 100	...	4 Annas
For every additional Rs. 100 or fraction thereof over Rs. 100	...	2 do "

(10) In sub-rule (1) of rule 92 for the scale of fees for insurance, the following shall be substituted, namely:—

"*When the value is expressed in rupee currency*—

		Annas
Where the value insured does not exceed Rs. 100	...	4
For every additional Rs. 100 or fraction thereof over Rs. 100	...	2

When the value is expressed in sterling—

		Annas
Where the value insured does not exceed £7	...	4
For every additional £7 or fraction thereof over £7	...	2

(11) Rule 96 shall be renumbered as sub-rule (1) of that rule and after sub-rule (1) as so renumbered the following sub-rule shall be inserted, namely :—

"(2) The sender of a postal article intended to be transmitted by post as value-payable shall be required to pay a charge of one anna on articles on which the amount specified for recovery is Rs. 25 or less, and of 2 annas on articles on which the amount specified for recovery exceeds Rs. 25 in addition to the postage, registration fee and insurance fee where leviable."

(12) *In Rule* 98,—(a) for the words "at the rate of two annas for every sum of Rs. 10 or fraction of Rs. 10 of the amount" the words "according to the schedule given below on the amount", shall be substituted ; and

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(b) the following heading and entries shall be inserted at the end, namely:—

"*Schedule of fees.*

Amount specified for remittence to sender.	Not exceeding Rs. 5 ...	Two annas.
	Exceeding Rs. 5 but not exceeding Rs. 10	Three annas.
	Exceeding Rs. 10 but not exceeding Rs. 15.	Four annas.
	Exceeding Rs. 15 but not exceeding Rs. 25	Six annas.
	Exceeding Rs. 25 ...	Six annas for each complete sum of Rs. 25 and six annas for the remainder, provided that, if the remainder does not exceed Rs. 5 the charge for it shall be only two annas, if the remainder does not exceed Rs. 10 the charge for it shall be only three annas and if the remainder does not exceed Rs. 15 the charge for it shall be only four annas."

(13) To sub-rule (2) of rule 105 the following shall be added, namely :—

"A posting fee at the rate applicable to inland value payable articles shall be charged on all value payable articles to Aden and Makalla (Gulf of Aden)."

(14) For rule 112, the following shall be substituted, namely :—

"112. A commission on the issue of inland money orders shall be charged at the following rates, namely :—

On any sum not exceeding Rs. 5 ...	Two annas.
On any sum exceeding Rs. 5 but not exceeding Rs. 10 ...	Three annas.
On any sum exceeding Rs. 10 but not exceeding Rs. 15 ...	Four annas.
On any sum exceeding Rs. 15 but not exceeding Rs. 25 ...	Six annas.
On any sum exceeding Rs. 25 ...	Six annas for each complete sum of Rs. 25 and six annas for the remainder, provided that if the remainder does not exceed Rs. 5 the charge for it shall be only two annas, if the remainder does not exceed Rs. 10 the charge for it shall be only three annas and if the remainder does not exceed Rs. 15 the charge for it shall be only four annas."

(15) Rule 126-A shall be omitted.

(16) In rule 194 for the existing entries under the heading "Registration envelopes" the following entries shall be substituted, namely :—

"For each envelope	...	Re. 0–6–6 *plus* 1 anna 6 pies stationery charge.
For a packet of 12 envelopes	...	Rs. 4–14–0 *plus* rupee one and annas two stationery charge."

[No. 43.]

A. V. PAI, *Secy.*

NOTIFICATION.

No. L. D. 457—Legis. 6-51-4, dated Bangalore, the 22nd May 1951.

Ordered that the accompanying Notification No. S.R.O. 610 dated the 28th April 1951, of the Ministry of Finance (Revenue Division) under the Sea Customs Act, 1878, published in the *Gazette of India*, Part II, Section 3, dated the 28th April 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE (REVENUE DIVISION).

NOTIFICATION.

CUSTOMS.

New Delhi, the 28th April 1951.

S.R.O. 610.—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby prohibits the taking out of India of any of the following pictures, namely :—

(1) The picture of Jawaharlal Nehru in imperial robes, published by Shyam Sunder Lal Agrawal, Picture Publishers, Chauk, Kanpur and printed at Job Press Ltd., Kanpur.

(2) The picture of Jawaharlal Nehru and other persons with the Red Fort in the background bearing the caption (in Hindi) "Delhi Vijay (15-8-1947)".

(3) The picture of Jawaharlal Nehru and other Indian leaders on horse-back bearing the caption (in Hindi) "Hamare Rashtra Nirmata".

Published by Babu Lal Bhargava & Sons, Picture Publishers, Chowk, Kanpur, and engraved and printed by the Calcutta Photo-type Co., Calcutta.

[No. 48]

K. R. P. AIYANGAR, *Joint Secy.*

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NOTIFICATION.

No. C. 13801—Co. 38-50-3, dated 8th February 1951.

Ordered that the accompanying Notification No. 1(57) Tex-2/50 (XII), dated the 29th November 1950, issued by the Government of India, Ministry of Industry and Supply and the orders stated therein be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF INDUSTRY AND SUPPLY.

New Delhi, the 12th September 1949.

No. 1(33)-Tex 2/49.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946, (XXIV of 1946), the Central Government is hereby pleased to make the following Order, namely :—

1. (a) This Order may be called the Cotton Control Order, 1949.

(b) It extends to all the Provinces of India and all the Indian States which are administered as a Province or as forming part of a Province.

(c) It shall come into force at once.

2. In this Order—

(a) "Indian cotton" means cotton grown at any place in India ;

(b) "foreign cotton" means cotton grown in any country outside India ;

(c) "cotton" means—

(i) ginned cotton ; and

(ii) ginned and pressed cotton ; and includes both Indian and foreign cotton ;

(d) "contract" means contract made or to be performed in whole or in part in India relating to the sale or purchase of cotton ;

(e) "forward contract" means a contract for the delivery of cotton at some future date ;

(f) "option in cotton" means an agreement made or to be performed in whole or in part in India for the purchase or sale of a right to buy or a right to sell or a right to buy or sell cotton in future and includes a teji, a mandi or a teji-mandi in cotton ;

(g) "licensing authority" means an officer appointed in this behalf for any specified area by a Provincial Government;

(h) "manufacturer" means a manufacturer of yarn;

(i) "carrier" includes a railway administration or any other person engaged in the business of transporting property from place to place by land, air, sea or inland navigation;

(j) The expression "Textile Commissioner" shall have the same meaning as it has in the Cotton Textiles (Control) Order, 1948.

3. (1) The Textile Commissioner may fix the maximum and the minimum prices at which any cotton or kapas or cotton seed may be sold or purchased.

(2) Where the maximum and minimum prices have been fixed as aforesaid in respect of any cotton or kapas or cotton seed no person shall sell or offer to sell or purchase or offer to purchase any such cotton or kapas or cotton seed at a price exceeding the maximum or lower than the minimum price so fixed.

4. Subject to clause 6 of this Order no person shall enter into—

(a) any contract; or

(b) any option in cotton.

5. All contracts and options in cotton entered into or made after the commencement of this Order in contravention of clause 4 shall be void.

6. The Textile Commissioner may by general order and subject to such restrictions and conditions as he may prescribe exclude from the operation of clause 4 any class or description of contracts.

7. (1) The Textile Commissioner may specify the maximum quantities of any cotton which any manufacturer may buy during a specified period or may at any time have in his possession.

(2) No manufacturer shall at any time have in his possession a quantity of the cotton exceeding the maximum quantity specified as aforesaid in respect thereof.

8. Without prejudice to any order made under sub-clause (1) of clause 7, where, at any time, in the opinion of the Textile Commissioner, any manufacturer has in his possession a quantity of cotton in excess of the quantity which would reasonably be required by him for manufacturing yarn in the next six months, it shall be opened to the Textile Commissioner, to the extent of such excess, to direct such manufacturer to sell such quantity of such cotton at such price and on such conditions as may be specified; and no manufacturer shall refuse to comply with such direction.

9. No person shall after 30 days from the date of this Order purchase, sell, store or carry on business in cotton or shall hold cotton in hypothecation or against pledge except under and in accordance with the conditions of a licence in form "A" annexed hereto:

Provided that the said period of 30 days shall be extended in any particular Province according as notified by the Provincial Government in its Official Gazette.

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Exception.—Nothing in this clause shall apply—

(i) to a manufacturer ;

(ii) to a person who purchases or stores cotton for his own use and not for the purposes of sale as cotton and who does not at any time have in his possession a quantity of cotton exceeding 24 bales of ginned and pressed cotton or boras of ginned cotton.

10. Any person desiring a licence shall make an application to the Licencing Authority of his Province in Form " B " annexed hereto.

11. Every licence granted under this Order shall be valid for the period specified in the licence but may be renewed from time to time for a period of one year. The fee charged for the grant or renewal of a licence shall be Rs. 25:

Provided that no person shall be liable to pay more than Rs. 25 for the grant or renewal of any number of licences within the same Province, and the amount paid by him in excess of Rs. 25 shall be refunded to him by the Provincial Government on application.

12. If a licence granted under this Order is lost or destroyed the Licensing Authority may after making such enquiry as he deems necessary issue a duplicate licence on payment of a fee of Rs. 5.

13. (1) No person being the holder of a licence issued under this Order shall contravene any of the conditions mentioned in the licence and if any such person contravenes any of the said conditions then without prejudice to any other action that may be taken against him, his licence may be cancelled by the Licensing Authority.

(2) Notwithstanding anything contained in sub-clause (1) the Licensing Authority may without previous notice or without assigning any reasons suspend or cancel a licence issued under this Order and such cancellation or suspension shall not entitle the licensee to any compensation or the refund of any fees paid in respect of any such licence.

14. The Textile Commissioner may with a view to securing a proper distribution of cotton or with a view to securing compliance with this Order direct any person holding stocks of cotton or any class of such persons,—

(a) to sell to such person or persons such quantities of such description of cotton as the Textile Commissioner may specify :

(b) not to sell or deliver cotton of a specified description except to such person or persons and subject to such conditions as the Textile Commissioner may specify ; and may issue such further instructions as he thinks fit regarding the manner in which the direction is to be carried out.

15. The Textile Commissioner may appoint any person or persons to advise him for the purpose of fixing the exact value of the cotton directed to be sold under any of the provisions of this Order in regard to any case or classes of cases.

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16. The Textile Commissioner may make rules—

(a) prescribing the form of application for manufacturers who desire assistance from the Textile Commissioner for the purpose of obtaining supplies of cotton;

(b) regarding the payment of the price and survey and other expenses including the deposit of any amount as earnest money in respect of such assistance; and

(c) generally, as regards the procedure to be followed in giving effect to such applications.

17. The Textile Commissioner may prohibit the transport of cotton from any place within such area to any place outside that area by rail, road or water except under such conditions, limitations and restrictions as may be so specified.

18. The Textile Commissioner may by order in writing direct any carrier to close the booking and transport of any cotton by rail, road or water between such places and for such period as may be specified in the order and such carrier shall comply with the order.

19. The Textile Commissioner may with a view to securing the compliance with this Order (a) require any person to give any information in his possession with respect to any business carried on by that or any other person; (b) inspect or cause to be inspected any books or other documents belonging to or under the control of any person; (c) enter and search or authorise any person to enter and search any premises and seize or authorise any person to seize any article in respect of which he has reason to believe a contravention of this Order has been committed and any other article in the premises which has reason to believe has been or is intended to be used in connection with such contravention.

20. (1) Every manufacturer shall submit to the Textile Commissioner by the 12th October 1949 and thereafter by the 12th of every succeeding month a return in the Form "D" hereto annexed giving all the particulars therein.

(2) Every manufacturer shall submit to the Textile Commissioner, for the first fortnight of October 1949 and for every fortnight thereafter, a return in the Form "E" hereto annexed giving all the particulars therein. The return should reach the Textile Commissioner not later than 7 days after the completion of the fortnight.

21. The Textile Commissioner by a general or special order in writing and with the previous sanction of the Central Government authorise any officer to exercise on his behalf all or any of his functions and powers under this Order.

FORM A

(See clause 9)

The Cotton Control Order, 1949

Licence for purchase, sale or storage or for carrying on business in cotton or for holding cotton in hypothecation or against pledge.

Subject to the provisions of the Cotton Control Order, 1949 (hereinafter referred to as the "said Order") and to the terms and conditions of this licence,

is/are hereby authorised to purchase, sell, store, carry on business in cotton or hold cotton in hypothecation or against pledge.

2. The licensee shall carry on the aforesaid business at the following place (s) :—

3. The licensee shall maintain a register of daily accounts in respect of each of the types of cotton in which he deals, showing correctly—

(a) the opening stock on each day ;

(b) the quantities received on each day showing the place or origin and the name and address of the person from whom received ;

(c) the quantities sold, delivered or otherwise removed on each day showing the place of destination, the name and address of the person to whom they are sold or delivered, or for whom they are removed ;

(d) the closing stock on each day.

4. The licensee shall in respect of each of the type of cotton submit to the licensing authority within five days of the completion of each fortnight, a true return in Form C.

5. The licensee shall not sell, hypothecate or pledge cotton to any person who does not hold a licence under the said Order or is not otherwise authorised to purchase cotton.

6. The licensee shall issue to every customer a correct receipt or invoice as the case may be, giving his own name, address and licence number, the name, address and licence number of the customer, the date of transaction, the quantity sold, the rate per khandy and the total amount charged and shall keep a duplicate of the same available for inspection on demand by the licensing authority or any officer authorised by such authority in this behalf.

7. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorised by such authority in this behalf, for the inspection of his stock and accounts at any shop, godown or other place used by him for the storage or sale of cotton and for taking samples of cotton for examination.

8. The licensee shall comply with any directions that may be given to him in regard to the purchase, sale, storage, hypothecation or pledge of cotton and in regard to the language in which the registers, returns, receipts or invoices mentioned in paragraphs 3, 4 and 6 shall be maintained, submitted or issued and in regard to the maintenance of the register mentioned in paragraph 3.

Signature of the Licensing Authority.

Date.....194 .

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FORM "B"

(See Clause 10)

1. Applicant's name
2. Applicant's occupation
3. Applicant's full address
4. Situation of applicant's places of business and godowns and other places used by him for the sale or storage of cotton (Detailed address of these places should be given).

I have carefully read the conditions of the licence given in Form 'A' appended to the Cotton Control Order, 1949, and I agree to abide by them.

Signature of the Applicant.

FORM 'C'

(See Paragraph 4 of form 'A')

Return of stocks receipts and sales of cotton for the fortnight ending.....

(To be submitted within five days after the close of each fortnight)

Licensee's Name.....

Address.....

.....

Licence No.....

Variety of Cotton	OPENING BALANCE *i.e.* Stocks at the beginning of the fortnight		Receipts during the fortnight	Total (Column 2+3+4)	Sales during the fortnight	Deliveries during the fortnight	CLOSING BALANCE *i.e.* Stocks at the end of the fortnight	
	Bales or Boras sold but not delivered	Bales or Boras unsold					Bales or Boras sold but not delivered	Bales or Boras unsold
1	2	3	4	5	6	7	8	9
1. Bengal Desi								
2. Oomras short staple :—								
(a) Oomra Deshi								
(b) C.P.I & II								
(c) Central India Deshi								
3. Oomras long staple :—								
(a) Jarilla								
(b) Gaorani, 6 & 12								
(c) Parbbani-American								
(d) Buri								

Variety of Cotton	OPENING BALANCE i.e. Stocks at the beginning of the fortnight						CLOSING BALANCE i.e. Stocks at the end of the fortnight	
	Bales or Boras sold but not delivered	Bales or Boras unsold	Receipts during the fortnight	Sotal (Column (2+3+4)	Sales during the fortnight	Deliveries during the fortnight	Bales or Boras sold but not delivered	Bales or Boras unsold
1	2	3	4	5	6	7	8	9
4. East Panjab-American								
5 Broach-Vijay ...	...							
6. Surti ...	...							
7. Dhollers :—								
(a) Wagad ...	...							
(b) Kalagin ...	...							
(c) Mathia ...	...							
8. Westerns/Northerns :—								
(a) Mungari ...	...							
(b) Farm ...	...							
9. Coconadas/Warrangal								
10. Comptas :—								
(a) Jaywant ...	...							
(b) Upland ...	...							
11. Cambodias :—								
(a) Cambodias ...	...							
(b) Karungannies	...							
Total Indian Cotton	...							
PART—II—FOREIGN COTTON								
12. Pakistans ...	...							
13. Egyptians ...	...							
14. Sudans ...	...							
15. East Africans ...	...							
16. Afghans ...	...							
17. North Americans	...							
18. Peruvians ...	...							
19. Brazilians ...	...							
20. Belgian Congo ...	...							
21. Other Forign ...	...							
Total foreign Cotton								

I/We hereby declare that I/We have compared the above particulars with the records and books of my/our firm and that they are, in so far as I/We can ascertain, accurate and complete and that the purchases and sales are done a conformity with the provisions of the Cotton Control Order 1649 and Notfications thereunder.

....

Dated..... Signature of Licensee.

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FORM D

(*See* clause 20 (1) of the Cotton Control Order, 1949).

GOVERNMENT OF INDIA.

MINISTRY OF INDUSTRY AND SUPPLY.

OFFICE OF THE TEXTILE COMMISSIONER, BOMBAY.

Monthly return of stocks, consumption and sales of Cotton as on.....

Instructions.

1. This form should be completed in accordance with the instructions given below and sent to the Office of the Textile Commissioner, Cotton Branch, Sudama House, Ballard Estate, Bombay, so as to reach on or before the *12th of every month*, giving the position as on the last day of the previous month. Mills are advised in their own interests to post the returns under a certificate of posting or registered with acknowledgment due.

2. All figures include pressed or un-pressed cotton expressed in bales of 400 lbs. weight.

3. The bales referred to are the ordinary standard Indian bales of average approximate gross weight of 400 lbs. If the information with you is in terms of other than such standard bales, as in the case of foreign cotton or un-pressed cotton in lbs. or maunds, please state equivalent in bales of 400 lbs.

4. The descriptions of Indian cotton should correspond to the definitions in the Textile Commissioner's Notification No.....dated..... .....1949.

Mill's Name .....Date .....

Mill's Full Address .....

Mill's Telegraphic Address .....

Description of Cotton	Stocks on 31-8-49 wherever stored, whether within or outside the town where the mill is situated	Total stocks acquired since 1-9-49 wherever stored, whether within or outside the town where the mill is situated	Total consumption since 1-9-49	Total sales since 1-9-49	Stocks on the last day of the month: Within the town where the mill is situated (a)	Stocks on the last day of the month: Outside the town where the mill is situated (b)	Stocks on the last day of the month: Total (c)
1	2	3	4	5	6	7	8
PART I.—INDIAN COTTON							
1. Bengal Deshi ...							
2. Oomras short staple.—							
(a) Oomra Deshi ...							
(b) C. P. I &II ...							
(c) Central India Deshi ...							
3. Oomras long staple.—							
(a) Jarillas ...							
(b) Gaorani, 6 and 12 ...							
(c) Parbhani—American ...							
(d) Buri ...							
4. East Punjab—American ...							
5. Broach Vijay ...							
6. Surti ...							
7. Dholleras.—							
(a) Wagad ...							
(b) Kalagin ...							
(c) Mathia ...							
8. Westerns Northerns.—							
(a) Mungari ...							
(b) Farm ...							
9. Coconadas Warrangal ...							
10. Comptas.—							
(a) Jaywant ...							
(b) Upland ...							
11. (a) Cambodias ...							
(b) Karunganni ...							
Total Indian Cotton ...							
PART II.—FOREIGN COTTON							
Pakistan Cotton							
12. Pakistan Deshi ...							
13. 4 F							
14. L. S. S. ...							
15. 289 F. (Punjab) ...							
16. N. T. (Sind) ...							
Total Pakistan Cotton ...							
17. Egyptians.—							
(a) Ashmouni ...							
(b) Zagoras ...							
(c) Giza 30 ...							
(d) Giza 23 ...							
(e) Karnak ..							
(f) Menoufi ...							
(g) Other Egyptians ...							
Total Egyptians ...							
18. Sudan Egyptians ...							
19. Sudan Americans ...							
20. East Africans ...							
21. Afghans ...							
22. Americans.—							
(a) Peruvians ...							
(b) Other Americans ...							
23. Brazilians ...							
24. Belgian Congo ...							
25. Other Foreign Cotton ...							
Total Foreign Cotton ...							
Grand Total of All Cottons ...							

I do hereby declare that I have compared the above figures with the records and books of my mills and that they are, in so far as they go, certain and accurate.

Date.....

Signature of Owner/Managing Agent/Manager.

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FORM "E"

[*See* Clause 20 (2) of the Cotton Control Order, 1949].

RETURN OF PURCHASES OF INDIAN COTTON AND KAPAS FOR THE FORTNIGHT ENDING.....

Mill's Name.....

Mill's Full Address.....

Mill's Telegraphic Address .....

Date of purchase	Seller's Name and Address	Location of Cotton or Kapas	Variety	Details of purchases of Kapas			Details of purchases of Cotton (full pressed and unpressed)	
				Quantity of Kapas in candies of 784 lbs.	Approximate quantity of lint cotton realisable in bales of 400 lbs.	Price paid for the Kapas per candy of 784 lbs.	Quantity in bales of 400 lbs.	Price paid per candy of 784 lbs.
1	2	3	4	5	6	7	8	9

I do hereby declare that I have compared the above figures with the records and books of my Mills, and that they are, in so far as they go, certain and accurate.

Date.....

Signature of Owner/Managing Agent/Manager.

K. SEN, Joint Secy.

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GOVERNMENT OF INDIA.

MINISTRY OF INDUSTRY AND SUPPLY.

NOTIFICATION.

Bombay, the 29th November 1950.

S.R.O. 983.—The following Notification of Textile Commissioner, Bombay, is published for general information :—

No. 1 (57)—Tex. 2-50 (XII).—In exercise of the powers conferred on me under the Cotton Control Order, 1950, I hereby direct that the following orders made by me which are in force in certain parts of India, shall extend to and be in force in the rest of India except the State of Jammu and Kashmir, namely :—

(1) No. 1 (33)-Tex. 2/49 (i) dated the 12th September 1949
(2) Do (ii) do
(3) Do (iii) do
(4) No. S. R. O. 58, dated the 20th May 1950.
(5) No. 1 (57)-Tex. 2/50, dated the 21st August 1950.

T. P. BARAT,
Textile Commissioner.

S. A. TECKCHANDANI,
Under Secretary to the Government of India.

Bombay, the 12th September 1949.

General Permission No. 1 under the Cotton Control Order, 1949.

No. 1 (33)-Tex. 2/49 (i).—In pursuance of Clause 6 of the Cotton Control Order, 1949, I hereby declare that subject to the provisions of Paragraph 2 below of this Permission the following contracts relating to the Indian cotton of the year 1949-50 or earlier seasons shall be excluded from the operation of clause 4 of the said order, namely :—

(i) Ready Contracts.

(ii) Delivery Contracts: that is to say Forward Contracts for Kapas or Cotton (full-pressed, half-pressed or loose) of specific qualities or types and for specific delivery at a specified price, delivery orders, railway receipts or bills of lading against which Contracts are not transferable to third parties.

(iii) Hedge Contracts: that is to say Forward Contracts entered into by members of the East India Cotton Association Limited entitled to the use of the Clearing House of the Association where such Contracts are made in accordance with the rules and by-laws of the Association in the official markets of the Association.

2. (1) Nothing in this Permission shall apply in relation to any Contract for the sale or purchase of any cotton of the description specified in Columns 1 and 2 of the Schedule A or B as the case may be, hereto annexed wherein the price stipulated is less than the floor price specified in Column 3 of the relevant Schedule or more than the ceiling price specified in Column 4 of the same Schedule, as applicable to the subject-matter of the Contract having regard to the place of delivery :

Provided that where the cotton, the subject-matter of the Contract, is of a quality either inferior or superior to the basic quality referred to in Columns 1 and 2 of the relevant Schedule, the floor or the ceiling price shall be decreased or increased as the case may be by an amount specified in Columns 5 to 7 of the same Schedule.

(2) Every Contract in which the final price is not named shall be read as if the following clause were inserted therein : "The price payable shall be within the range of the floor and ceiling prices under the Schedules to the Textile Commissioner's General Permission No. 1 No. 1 (33)-Tex 2/49(i)., dated the 12th September 1949".

3. Nothing in this Permission shall apply in relation to any contract of sale by a Cotton textile mill except under and in accordance with the terms of a special permission granted by the Textile Commissioner, or the Director (Cotton) or an Assistant Director (Cotton) in the Office of the Textile Commissioner.

4. (1) The prices specified in the Schedules are in Rupees per candy of 784 lbs. nett for delivery in full-pressed bales ex-seller's godown, Bombay, and include ¼ per cent. brokerage payable by the seller to the buyer and the usual sample and stone allowances.

(2) The floor and ceiling prices shall be the floor and ceiling prices specified in the Schedules reduced by the sum equivalent to the railway freight from the place of origin to Bombay and Rs. 10 per candy and increased by the sum, if any, equivalent to the railway freight from the place of origin to the place of delivery to the buyer and Rs. 10 per candy.

Explanation.—Place of origin means the railway station nearest the Press Factory where the cotton was pressed.

(3) Where any Contract is made with reference to a standard of weight other than the candy of 784 lbs., the ceiling and floor prices applicable thereto under sub-paragraph (2) above shall be as increased or reduced as the case may be in proportion.

5. In Schedule A,

(a) "Jarilla" means cotton from any place in the District of Nasik or of East and West Khandesh in the Province of Bombay, Central Province and Berar, Central India, or any of the States of Hyderabad, Gwalior, Jhalawar, Pratabgarh and Siroj or in Chhabra or Pirawa Parganas of Tonk State; and includes "Verum", "Cambodia", "Buri", "Farm", "Upland", "Gaorani", "Parbhani Seed" and "American Seed".

(b) "Broach" means cotton from any place in the District of Kaira or Broach or Panch Mahals (excluding Ankleshwar Taluka) in

the Province of Bombay or in any of the States of Balasinor, Baria, Cambay, Chhota Udepur, Lunawada, Jambughoda, Kadan Mandwa and Vajiria, Bhaderwa, Baroda District of Baroda State and Talod; and includes "Farm", "Tijay", "B.D.8", "B.9" and "1027".

(c) "Surti" means cotton from any place in the Ankleshwar Taluka of the Broach District, or in the Surat District of the Province of Bombay or the Nawapur Taluka of the West Khandesh District or in any of the States of Rajpipla, Sachin, Bansda or Dharampur or in the Navsari District of the Baroda State.

(d) "R. G. American descriptions" means cotton from any place in the East Punjab Province, or in any of the States of Faridkot, Jind, Malerkotla, Nabha, or Patiala.

(e) "Dhollera" means cotton other than "Kalagin" and "Mathia" from any place in Kathiawar or in any State of the Former Western India States or in the District of Ahmedabad in the Bombay Province, or in Mehsana or Amreli Districts of Baroda State or in Cambay State or Vaktapur Taluka of the former Gujarat States or Petlad; and includes "1027", "Kadi/Viramgaon", "Kadaya" and "Vagad".

(f) "Kalagin" means cotton other than "Dhollera" and "Mathia" from any place in Kathiawar.

(g) "Bengal Deshi" means cotton from any place in the East Punjab, or the United Provinces, Rajputana, or any Indian State in any of these areas.

(h) "Oomra Deshi" means cotton from any place in Berar and C. P., Khandesh Districts in the Bombay Province, Central India, or from Burhanpur, Barwaha, Harda, Khandwa, Sanavad, and includes cotton known as "Mathia" in Kathiawar.

(i) "Coompta" means cotton from any place in any of the districts of Dharwar, Belgaum, Bijapur or Satara in the Bombay Province or in any of the States of Jath, Aundh, Phaltan, Kolhapur, Sangli, Miraj Senior, Miraj Junior, Kurundwad Senior, Kurundwad Junior, Savannur, Jamkhandi, Mudhol, Ramdrug, Mysore (excluding the Districts of Mysore and Bangalore) or from the Raichur Protected Area in Raichur District of Hyderabad State; and includes "Farm", "Jawari" and Jayawant".

(j) "Upland" means cotton from any place as given above for "Coompta"; and includes "Farm".

(k) "Westerns" means cotton from any place in Bellary, Anantpur, and Cuddapah Districts, or in Pattakonda Taluka or Kurnool District of Madras Province or Raichur District (excluding Raichur Protected Area) or Gulbarga District in the Hyderabad State, and includes "Farm", "Bagalkot", and "Jaywant".

(l) "Cambodia" means cotton from any place in any of the Districts of North Arcot, South Arcot, Coimbatore, Salem, Trichinopoly (including Puddukotai State), Madura, Ramanad, Tinnevelley, Chittoor and Chingleput in the Madras Province; and includes "Farm" and "Avanashi".

(m) "Karunganni" means cotton from any place in any of the districts of Coimbatore, Madura, Ramnad and Tinnevelley in the Madras Province; and includes "Tinnevelley".

(n) "C.P.I, C.P. II and Central India" means cotton from Central Provinces (excluding Nimar and Hoshangabad districts); Yeotmal district; Morsi (Chief Centre Warud) and Chandur (Chief Centre Dhamangaon) talukas of Amraoti district of Berar; Central India (except Bundelkhand States and Rewa State); Jhalawar, Mewar and Partabgarh States and Sironj, Chhabra and Pirawar Parganas of Tonk State of Rajputana and includes Malvi.

6. In Schedule B.

(a) "Jarilla" means cotton recognised as such and grown in any place in the Districts of Nasik, East and West Khandesh (excluding Nawapura Taluka), and Ahmednagar in the Bombay Province, Central Provinces and Berar, Madhyabharat, United State of Rajasthan, or Hyderabad State; and includes "Verum", "C. P. Cambodia", "American Seed", "Upland", "Buri American", "Parbhani American" and "Gaorani 6 and 12" grown outside the protected Areas; "malvi" and H. 420.
"H. 420", grown in the Nimar District of the C.P. and Berar will, however, be excluded provided it complies with the proviso given at the end of this paragraph.

(b) "Vijay" means cotton recognised as such and grown in any place in the Districts of Kaira, or Broach or Panch Mahals (excluding Ankleshwar Taluka), or Talod in the Ahmedabad District, or Vektapur, Jadar, Himatnagar or the Baroda District and Petlad of the former Baroda State, or in the former States of Balasinor, Baria, Chhota Udepur, Lunawada, Sant, Jambughoda, Kadana Mandwa, Vajira and Bhaderwa, the Gothda Estate (Pandu Mewas) or Baroda attached areas and includes "B.D. 8", "B. 9" and "1027".

(c) "Surat" means cotton recognised as such and grown in any place in the Ankleshwar Taluka of the Broach District, or in the Surat District, or Nawapura Taluka of the West Khandesh District in the Bombay Province, or in any of the former States of Rajpipla, Sachin, Bansda and Dharampur, or in the Navasari District of the former Baroda State, and includes "Rajpipla".

(d) "Punjab American" means cotton recognised as such and grown in any place in the East Punjab Province or in any of the former States of Faridkot, Jind, Malerkotla, Nabha or Patiala now comprised in the Patiala and East Punjab States Union, or in the United State of Rajasthan.

(e) "Coompta" means cotton recognised as such and grown in any place in the Districts of Dharwar, Belgaum, or Bijapur in the Bombay Province, or in any of the former States of Jath, Aundh, Phalton, Kolhapur, Sangli, Miraj Senior, Miraj Junior, Kurundwad Senior, Kurundwad Junior, Savannur, Jamkhandi, Mudhol and Ramdurg now merged in the Bombay Province, or Mysore

or from the Raichur Protected Area in the Raichur District of the Hyderabad State, and includes "Jaywant", "Mysore American M.A.V." and "R.K. 19 (Kumpta)".

"Mysore American M.A.V." grown in the Mysore State and "R.K. 19 (Kumpta)" grown in the Raichur District of Hyderabad State will, however, be excluded provided they have a minimum staple length of 1″ and 7/8″ respectively and comply with the proviso given at the end of this paragraph.

(f) "Western" means cotton recognised as such and grown in any place in Bijapur, Bellary, Anantapur and Cuddapah Districts, or in Patlikonda Taluka of Karnool District of the Madras Province or Raichur District (excluding Raichur Protected Area) or Gulbarga District in the Hyderabad State; and includes "Bagalkot" and "Jaywant".

(g) "Upland" means recognised as such and grown in the places given for "Coompta".

(h) "Cambodia" means cotton recognised as such and grown in any of the Districts of North Arcot, South Arcot, Coimbatore, Salem, Trichinopoly (including the former Puddukotai State), Madura, Ramnad, Tinnevelley, Chittoor and Chingleput in the Madras Province; and includes "Avanashi", "Cambodia C.O.4", "Cambodia C.O. 3" and "Cambodia 4463".

"Cambodia C.O. 4" grown as an irrigated summer crop in the Ramnad, Madura, South Arcot and Tinnevelley Districts and as a rain-fed crop in the South Arcot District, "Cambodia C.O. 3" grown as an irrigated cold whether crop in the Madura, Ramnad, Salem, Trichinopoly and South Arcot Districts and as a rained crop chiefly in Salem and "Cambodia 4463" grown in the Coimbatore and Trichinopoly Districts, will, however, be excluded provided such cottons have a minimum staple length of 15/16″, 15/16″ and 1″ respectively and comply with the proviso given at the end of this paragraph.

(i) "Karunganni" means cotton recognised as such and grown in any place in the Districts of Coimbatore, Madura, Ramnad and Tinnevelley in the Madras Province and includes "Tinnevelley".

(j) "Dhollera" means cotton recognised as such and grown in any place in Saurashtra or in the former Western India States, or in the District of Ahmedabad (excluding Talod) in the Bombay Province, or in Mehsana or Amreli Districts of the former Baroda States or in the former States of Cambay and includes "Cutch", "1027", "Kadi/Viramgaon", "Kadua", "Wagotar", "Vagad", "Pratap" and "Kalyan". "1027" grown in any place in Saurashtra or in the former Western India States or in the District of Ahmedabad (excluding Talod) in the Bombay Province or in Mehsana or Amreli Districts of the former Baroda State or in the former State of Cambay, will, however, be excluded from "Dholleras" and included in "Vijay" provided it has a minimum staple length of 25/32″ and complies with the proviso given at the end of this paragraph.

"Kalyan" grown in the Ahmedabad District of the Bombay Province and the Mehsana District to the former Baroda State will, however, be excluded from "Dhollera" and included in "Vijay" provided it has a minimum staple length of 13/16" and complies with the proviso given at the end of this paragraph.

(k) "Kalagin" means cotton recognised as such and grown in any place in Saurashtra.

(l) "Bengal Deshi" means cotton recognised as such and grown in the East Punjab or the United Provinces, or the Greater Rajasthan or the Ajmer Merwara.

(m) "Oomra Deshi" means cotton recognised as such and grown in any place in the Central Provinces and Berar, Khandesh Districts of the Bombay Province or the Hyderabad State.

(n) "Mathia" means cotton recognised as such and grown in Saurashtra.

(o) "C.P.I & C.P. II" means cotton recognised as such and grown in the Central Provinces and Berar (excluding Nimar and Hoshangabad Districts), or Adilabad in the Hyderabad State.

(p) "Central India" means cotton recognised as such and grown in the former Central India States the former States of Jhalawar, Mewar and Partabgarh, Sironji, Chhabra and Pirawa Parganas of the former Tonk States of Rajputana, and includes "Malvi".

(q) "Buri American' means cotton recognised as such and grown in any place in the Nimar and Wardha Districts of the Central Provinces and Berar or the Union of Madhyabharat, provided such places are situated in Areas of cotton protected under the Cotton Transport Act, 1923 or the corresponding Acts in the States.

(r) "Parbhani American" means cotton recognised as such and grown in any place in the Northern Talukas of the Aurangabad District, or the Western Highland Talukas of the Adilabad District of the Hyderabad State, provided such places are situated in Areas of cotton protected under the Hyderabad Cotton Cultivation and Transport Act.

(s) "Gaorani 6 and 12" means cotton recognised as such and grown in any place in the Nanded, Bidar and Parbhani Districts, or in the Latur Taluka of the Osmanabad District, the Nirmal Taluka of the Adilabad District of the Hyderabad State, provided such places are situated in Areas of cotton protected under the Hyderabad Cotton Cultivation and Transport Act.

Proviso: The Cottons to which this Proviso applies as referred to in the aforesaid definitions, should be ginned and pressed in the gins and presses specially certified for the purpose on strict conditions as to maintenance of purity, and should also be certified by the Department of Agriculture concerned as having been processed through gins and presses in accordance with the conditions prescribed therefor.

SCHEDULE "A"

1	2	3	4	5						6		7			
DESCRIPTION OF COTTON (Seasons 1948-49 and earlier)	Basic staple length inches	Basic Floor Price Rs. per candy	Basic Ceiling Price Rs. per candy	"Off" and "On" Allowances for class other than basic class						"Off" allowances for staple below basic staple		"On" Allowances for staple above the basic staple			
				Good	F. Good	Fine	S. Fine	Extra S. Fine	Choice	2/32"	1/32"	1/32"	2/ "	3/32"	4/32"
				Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Jarilla ...	25/32"	495	620	...	5	Basis	5	15	25	35	20	20	40	60	...
Broach ...	3/4"	475	600	...	5	Do	5	10	15	35	20	20	40	60	80
Vijay :— B.D. 8, B. 9, 1027, Broach Farm ...	3/4"	525	650	...	5	Do	5	10	15	35	20	20	40	60	80
Surat ...	7/8"	590	715	...	5	Do	5	10	15	30	15	20	40	60	80
4FP/Am RG ...	3/4"	525	650	...	5	Do	5	10	15	35	20	20	40	60	80
LSS P/Am RG ...	13/16"	565	690	...	5	Do	5	10	15	35	20	20	40	60	80
289F P/Am RG ...	7/8"	635	760	...	5	Do	5	10	15	35	20	20	40	60	80
Coompta ...	7/8"	575	700	...	5	Do	5	10	15	35	20	15	35	50	65
Upland ...	13/16"	525	650	...	5	Do	5	10	15	35	20	20	40	60	80
Westerns ...	13/16"	500	650	...	5	Do	5	10	15	35	20	15	35	50	65
Cambodia ...	7/8"	595	720	...	5	Do	5	15	25	50	25	40	60	80	100
Karunganni ...	13/16"	525	650	...	5	Do	5	10	15	35	20	20	40	60	80
Dhollera ...	3/4"	...	570	...	5	Do	5	10	15	35	20	20	40	60	80
Kalagin ...	3/4"	...	570	...	5	Do	5	10	15	30	15	20	35	50	65
Bengal Deshi ...	...	...	445	20	Basis	20	40	60	...	...	...	...	...	...	...
Oomra Deshi ...	...	...	495	...	...	Basis	20	40	60	...	...	...	...	...	...
CP I and CP II and Central India.	5/8"	...	495	...	5	Do	5	15	25	...	20	25	45	65	...

SCHEDULE "B"

1	2	3	4	5						6		7				
DESCRIPTION OF COTTON Season 1949-50	Basic staple length inches	Basic Floor Price Rs. per candy	Basic Ceiling Price Rs. per candy	"Off" and "On" Allowances for class other than basic class						"Off" allowances for staple below basic staple		"On" Allowances for staple above the basic staple				
				Good	F. Good	Fine	S. Fine	Extra S. Fine	Choice	2/32"	1/32"	1/32"	2/32"	3/32"	4/32"	5/32"
				Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Jarilla ...	25/32"	495	620	...	5	Basis	5	15	25	40	20	20	45	70	...	...
Vijay ...	25/32"	565	690	...	5	Do	5	10	15	45	20	20	45	70	100	...
Surat ...	7/8"	655	780	...	5	Do	5	10	15	50	25	20	45	70	100	...
P/Am 4F R.G. ...	3/4"	525	650	...	5	Do	5	10	15	40	20	20	45	70	...	...
P/Am 4F S.G. ...	3/4"	545	670	...	5	Do	5	10	15	40	20	20	45	70	...	...
P/Am L.S.S.R.G. ...	13/16"	585	710	...	5	Do	5	10	15	45	20	20	45	70	...	...
P/Am L.S.S.S.G. ...	13/16"	605	730	...	5	Do	5	10	15	45	20	20	45	70	...	...
P/Am 289F R.G. ...	7/8"	675	800	...	5	Do	5	10	15	50	25	20	45	70	100	...
P/Am 289F S.G. ...	7/8"	705	830	...	5	Do	5	10	15	50	25	20	45	70	100	...
Coompta ...	7/8"	645	770	...	5	Do	5	10	15	50	25	20	45	70	100	...
Western ...	13/16"	555	680	...	5	Do	5	10	15	45	20	20	45	70	100	...
Upland ...	13/16"	575	700	...	5	Do	5	10	15	45	20	20	45	70	...	...
Cambodia ...	7/8"	675	800	...	5	Do	5	15	25	60	30	40	65	70	120	...
Karunganni ...	13/16"	575	700	...	5	Do	5	10	15	50	25	20	45	70	100	120
Dhollera ...	3/4"	...	570	...	5	Do	5	10	15	40	20	20	45	70	...	...
Kalagin ...	3/4"	...	570	...	5	Do	5	10	15	40	20	20	45	70	...	...
Bengal Deshi ...	...	...	445	40	Basis	20	40	60	80	...	...	...	...	...	...	...
Jomra Deshi ...	...	...	495	...	5	Basis	20	40	60	...	...	...	...	...	...	...
Mathia ...	...		495	...	5	Do	20	40	60	...	...	...	...	...	...	...
C.P.I. & C.P.II. ...	5/8"	...	520	...	5	Do	5	15	25	40	20	20	45	70	...	...
Central India ...	5/8"	...	495	...	5	Do	5	15	25	40	20	20	45	70	...	...
Buri American ...	7/8"	625	750	...	5	Do	5	10	15	50	25	20	45	70	100	...
Parbhani American ...	7/8"	625	750	...	5	Do	5	10	15	50	25	20	45	70	100	...
Gaorani 6 and 12 ...	7/8"	625	750	...	5	Do	5	10	15	50	25	20	45	70	100	...

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Bombay, the 12th September 1949

General Permission No. 2 under the Cotton Control Order, 1949

No. 1 (33)-Tex. 2/49(ii).—In pursuance of clause 6 of the Cotton Control Order, 1949, I hereby declare that contracts relating to Foreign Cotton shall be excluded from the operations of Clause 4 of the said Order.

2. Nothing in this Permission shall apply in relation to any contract of sale by a cotton textile mill except under and in accordance with the terms of special licence granted by the Textile Commissioner or the Director (Cotton) or an Assistant Director (Cotton) in the Office of the Textile Commissioner.

No. 1 (33)-Tex.2/49 (iii).—In pursuance of clause 16 of the Cotton Control Order, 1949, I hereby make the following rules :—

1. (i) A manufacturer requiring any variety or description of cotton shall make an application in duplicate to the Textile Commissioner, Bombay, in the form annexed hereto as Schedule A.

(ii) The Textile Commissioner may, if he is satisfied with the genuineness of the needs of the applicant, forward such application, together with his recommendations, to the Licensing Authority under whose jurisdiction, in the opinion of the Textile Commissioner, the variety of cotton required by the applicant is likely to be available.

(iii) Every applicant shall, along with his application, remit to the Textile Commissioner an amount equal to 15 per cent. of the total basic ceiling price of the stock of the variety of cotton specified in the application. Such amount shall be kept by the Textile Commissioner in trust on account of the licensee who will be required to sell cotton under the provisions of rule 2 below, provided that the amount so deposited—

(a) shall bear no interest ;

(b) shall be forfeited if the applicant fails to take delivery of cotton within seven days from the date on which intimation to take delivery is given to him by the Licensing Authority ;

(c) shall only be refunded to the applicant by the Textile Commissioner if he produces a receipt from the licensee to the effect that the licensee has received the full payment in respect of the cotton delivered to the applicant.

2. (i) The Licensing Authority shall give suitable directions to any one or more licensees to sell specified stocks to the applicant.

(ii) The Licensing Authority shall specify in the directions issued under sub-rule (i) the total provisional price not in any case exceeding 90 per cent. of the total basic ceiling price of the stocks of cotton required to be sold by the licensee, the description of cotton to be sold, the person or persons to whom the stocks shall be sold and the date on or before which the deliveries thereof shall be made. The Licensing Authority shall send a copy of the directions to the applicant with instructions to take delivery of the stocks within the period specified.

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(iii) The applicant shall, on taking delivery of cotton from the licensee named in the directions, pay to him the full amount of provisional price of cotton, provided that the cotton is of the description specified in the directions.

(iv) The provisional price so fixed shall be subject to such further adjustments on the basis of the valuation made by the Committee of persons appointed by the Textile Commissioner for this purpose. The amount so adjusted, *i.e.*, further payments by the applicant or refund of excess received by the licensee as the case may be, shall be paid or received within a week from the date on which the Committee's valuation has been communicated to the party concerned.

(v) Every applicant and licensee shall, at the time of taking and giving delivery sample jointly 6 per cent of the bales selected by the applicant and the applicant shall immediately send the samples properly packed and sealed to the Licensing Authority.

(vi) The Licensing Authority shall forward these samples to the Committee for the purpose of valuation, The samples, after valuation, shall be sold either by the Committee or the Licensing Authority and the amount credited to the account of the Provincial Government.

(vii) All the charges of despatch of samples and any other incidental charges shall be borne by the applicant. The survey fees shall not exceed Rs. 16 for every 50 bales or part thereof, and shall be borne by the applicant.

SCHEDULE A

To

The Textile Commissioner,
(Cotton Branch), Sudama House,
Wittet Road, Ballard Estate,
Bombay.

Sir,

Under the Cotton Control Order, 1949 we hereby apply for assistance in the matter of Indian Union Cotton supplies to the extent as follows :—

(a) Quantity of full-pressed cotton in candies and bales.....
(b) Description of cotton.....

2. We hereby agree to take up the above quantity of cotton or such part thereof as may be allocated at the ceiling price subject to such premiums and discounts as may be determined by the Committee which may be appointed for valuation under the said Order and subject to such further survey fees, carrying charges and other expenses as may be determined by you.

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3. We give below the following information which we declare that it is true to the best of our belief and information.

(i) Name and address of the applicant mill requiring cotton.

(ii) Names and addresses of other mills who have the same Managing Agents.

(iii) Name and address of Managing Agents (Please also state whether the Managing Agent's stock, export or import cotton on their own account also).

(iv) State whether the mill was using any foreign cotton (including Pakistan cotton) at any time during the past 3 years.

Also please state whether any allocations of foreign cottons were made to the mill during the past 6 months and what quantities have been acquired thereunder.

(v) Please state whether any foreign cottons (including Pakistan cottons) which were in possession of the mill have been sold to any other party during the past 6 months. If so, why?

(vi) Present stocks of the mills by varieties—

(a) Stocks lying within the town where the mill is situate.

(b) Stocks lying elsewhere. Give full details of places, etc.

(vii) (a) Please state the stocks held by the Managing Agents on their own account and by the other mills who have the same Managing Agents.

(b) Give names of places where these stocks are lying.

(viii) Names and addresses of stockists if known. (As far as possible the applicant mill should endeavour to give the names and addresses of these stockists).

Yours faithfully,

Station.....

Signature of Applicant.

Date.....

T. P. BARAT,
Textile Commissioner.

MINISTRY OF INDUSTRY AND SUPPLY

NOTIFICATION.

Bombay, the 20th May 1950.

S. R. O. 58.—In exercise of the powers conferred on me by clause 21 of the Cotton Control Order, 1949 and with the sanction of the Central Government, I hereby authorise each of the officers specified below to discharge on my behalf within his jurisdiction the functions of the Textile Commissioner under clause 19 of the said Order :—

(1) Madras State ...	Personal Assistant to the Director of Controlled Commodities. Assistant Textile Commissioners (Cloth and Yarn). Textile Control Officers. Inspectors of Textiles. Officers of the Revenue Department not below the rank of Revenue Inspector. Officers of the Commercial Taxes Department not below the rank of Assistant Commercial Tax Officer. Officers of the Police and Excise Departments not below the rank of Sub-Inspector.
(2) Orissa State ...	All District Magistrates.
(3) West Bengal State ...	Shri C. M. De, Assistant Director of Textiles, Department of Supplies.
(4) Uttar Pradesh State ...	All District Supply Officers.
(5) Delhi State ...	Shri Sardari Lal Bhardwaj, Assistant Director of Civil Supplies (Textiles). Shri Ulfat Rai Jain, Permit Officer (Textiles).
(6) Kutch State ...	Deputy Collector (Eastern Division), Anjar (Kutch). The Mamlatdar, Anjar (Kutch). The Mamlatdar, Bhachau (Kutch). The Mamlatdar, Rahpar (Kutch).
(7) Punjab State ...	The Director, Civil Supplies and Deputy Secretary to Government. The Deputy Director and Under Secretary to Government, Civil Supplies Department. The Assistant Organiser, Civil Supplies and Rationing, Amritsar. All Civil Supplies Distribution Officers. All Assistant Civil Supplies Distribution Officers. All Inspectors, Civil Supplies. All Sub-Inspectors, Civil Supplies.
(8) Ajmer State ...	Shri N. P. Mathur, Chief Inspector (Paper), Ajmer. Pt. Durga Dutt Upadhya, Additional Assistant Commissioner, Ajmer. Shri P. D. Khanna, Extra Assistant Commissioner, Beawar. Shri D. P. Mathur, Chief Inspector (Textiles), Beawar. Shri A. Sharman, Sub-Divisional Officer, Kekri.

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(9) Madhya Pradesh State	...	All Sub-Divisional Officers. All Tahsildars. All Naib-Tahsildars. All Police Officers of and above the rank of Sub-Inspectors of Police. All Civil Supply Officers. All Food and Civil Supply Inspectors.
(10) Saurashtra State	...	All Collectors. All District Superintendents of Industries and Commerce.

[No. 1 (33) Tex.-2/49 (XIV).]

T. P. BARAT, Tex., Com.

MINISTRY OF INDUSTRY AND SUPPLY

NOTIFICATION.

Bombay, the 21*st August* 1950.

No. 1 (57) Tex-2/50.—In exercise of the powers conferred on me by Clause 3 (1) of the Cotton Control Order, 1949, I hereby fix the maximum and the minimum prices at which Indian cotton of the 1950-51 season may be sold or purchased as under :—

1. These prices shall take effect as soon as contracts relating to Indian cotton of the 1950-51 reason are permitted by me under clause 6 of the said Order.

2. The minimum and maximum prices of cotton of the descriptions specified in columns 1 and 2 of the Schedule annexed to this Notification shall be as specified in columns 3 and 4 respectively of the Schedule: provided that where the cotton, the subject-matter of the contract, is of a quality either inferior or superior to the basic quality referred to in columns 1 and 2 of the Schedule, the minimum or the maximum prices shall be decreased or increased as the case may be by an amount specified in columns 5 to 7 of the Schedule.

3. (1) The prices specified in the Schedule are in Rupees per candy of 784 lbs. nett for delivery in full-pressed bales *ex* seller's godown, Bombay and include 1/4 per cent brokerage payable by the seller to the buyer and the usual sample and stone allowances.

(2) The minimum and maximum prices for delivery at any place other than Bombay shall be the prices specified in the Schedule less the sum equivalent to the railway freight from the place of origin to Bombay and Rs. 10 per candy, *plus* the sum, if any, equivalent to the railway freight from the place of origin to the place of delivery to the buyer and Rs. 10 per candy.

Explanation.—The place of origin means the railway station nearest the Press Factory where the cotton was pressed.

4. In the Schedule,

(a) "Jarilla" means cotton recognised as such and grown in the Nasik, East and West Khandesh (excluding Nawapur Taluka), Sholapur and Ahmednagar Districts of the Bombay State; States of Madhya Pradesh, Madhya Bharat, Hyderabad and Rajasthan; and includes "Verum", "C. P. Cambodia", "Central India Americans", "Rajputana Americans", "Upland", "Gaorani (Umri)", "Malvi" and "H. 420". It is also includes "Buri American", "Parbhani American" and "Gaorani 6 and 12" which are excluded from the definitions of those cottons in items (q), (r) and (s) of this paragraph on account of the several provisos in those items. "H. 420" grown in the Nimar, Amraoti, Akola and Yeotmal Districts of the Madhya Pradesh State will, however, be excluded provided it complies with the proviso given at the end of this paragraph.

(b) "Vijay" means cotton recognised as such and grown in the Kaira, Baroda, Broach excluding Ankleshwar Taluka, Sabar Kantha, Ahmedabad (Daskroi, Dehgam and city talukas) and Panch Mahal Districts of the Bombay State; and includes "B.D. 8" and "B. 9".

(c) "Surat" means cotton recognised as such and grown in the Surat District, Ankleswar Taluka of Broach District and Nawapur Taluka of the West Khandesh District of the Bombay State; and includes "Rajpipla".

(d) "Punjab American" means cotton recognised as such and grown in the States of the Punjab, Patiala and East Punjab States Union, and Bikaner Division of Rajasthan. "Punjab American 216 F" grown in the Karnal and Hissar Districts of the Punjab State will be included in "Punjab American 289 F" but will be excluded provided it has a minimum staple length of 7/8" and complies with the proviso given at the end of this paragraph.

(e) "Coompta" means cottons recognised as such and grown in the Dharwar, Belgaum, Bijapur, North Satara, South Satara, Sholapur and Kolhapur Districts of the Bombay State, State of Mysore, and Raichur Protected Area in the Raichur District of the Hyderabad State; and includes "Jaywant", "Mysore American M.A. 5", "R. K. 19 (Coompta)", and "Jayadhar".

"Mysore American M. A. 5" grown in the Mysore State; "R.K. 19 (Coompta)" grown in the Raichur District of the Hyderabad State; and "Jayadhar" grown in the Dharwar District of the Bombay State will, however, be excluded provided they have a minimum staple length of 1", 7/8" and 20/32" respectively and comply with the proviso given at the end of this paragraph.

(f) "Western" means cotton recognised as such and grown in the Bijapur District of the Bombay State; Bellary, Kurnool (Pathikonda Taluk), Anantapur and Cuddapah Districts of the Madras State; and Gulbarga and Raichur Districts (excluding Raichur Protected Area) of the Hyderabad State; and includes "Bagalkot", "White Northerns", "Red Northerns", "Hagari 1 (Western Farm)", and "Nandyal 14".

"Nandyal 14" grown in the Kurnool District will, however, be excluded provided it has a minimum staple length of 7/8" and complies with the proviso given at the end of this paragraph.

(g) "Upland" means cotton recognised as such and grown in the places given for "Coompta", and includes "Dharwar-American Gadag I" and "Laxmi". "Laxmi" grown mainly in the Dharwar District will be excluded provided it has a minimum staple length of 29/32" and complies with the proviso given at the end of this paragraph.

(h) "Cambodia" means cotton recognised as such and grown in the North Arcot, South Arcot, Coimbatore, Salem, Tiruchirapalli, Mathurai, Ramanathapuram, Tirunelveli, Chittoor and Chingleput Districts of the Madras State; and includes "Avanashi," "Cambodia C. O. 4" (including "C. O.4/B. 40" or "Cambodia Uganda 1"), "Cambodia C. O. 3" and "Cambodia 4463".

"Cambodia C. O. 4" (including "C. O. 4/13.40" or "Cambodia Uganda 1") (otherwise known as "Rajapalayam") grown as an irrigated summer crop in the Ramanathapuram, Mathurai, South Arcot and Tirunelveli Districts; as a rain-fed crop in the Coimbatore, Salem, Tiruchirapalli, South Arcot Mathurai and Ramanathapuram Districts; as an irrigated winter crop in the Mathurai, Tiruchirapalli, Salem and Coimbatore Districts: "Cambodia C. O. 3" grown in the Salem, Tiruchirapalli and South Arcot Districts: and "Cambodia 4463" grown in the Coimbatore District will, however, be excluded provided such cottons have a minimum staple length of 15/16," 15/16" and 1" respectively and comply with the proviso given at the end of this paragraph.

(i) "Karunganni" means cotton recognised as such and grown in the Coimbatore, Mathurai, Ramanathapuram, Tirunelveli, South Arcot, Salem, Tiruchirapalli, Tanjore, Malabar and South Kanara Districts of the Madras State; and Mysore District of the Mysore State; and includes "Tinnevelly", "Salems (Nadam, Bourbon and Uppam)," "Karunganni K. 2" and "Karunganni K. 5".

(j) "Dhollera" means cotton recognised as such and grown in the Saurashtra aud Kutch States and Kaira, Mehsana, Amreli, Sabar Kantha Banaskantha and Ahmedabad (excluding Daskroi, Dehgam and city talukas) Districts of the Bombay State; and includes "Cutch," "1027", "Kadi/Viramgaon", "Kadva", "Wagotar", "Vagad", "Pratap", "Kalyan" and "Lalio".

"1027" grown in the Saurashtra State and Kaira, Mehsana, Amreli and Ahmedabad (excluding Daskroi, Dehgam and city talukas) Districts of the Bombay State; and "Kalyan" grown in the Ahmedabad and Mehsana Districts of the Bombay State will, however, be excluded from "Dholleras" and included in "Vijay" provided such cottons have a minimum staple length of 25/32" and 13/16" respectively and comply with the proviso given at the end of this paragraph.

(k) "Kalagin" means cotton recognised as such and grown in the Saurashtra State.

(l) "Bengal Deshi" means cotton recognised as such and grown in the Patiala and East Punjab States Union, Punjab, Uttar Pradesh, Bihar, Rajasthan and Ajmer States.

(m) "Oomra Deshi" means cotton recognised as such and grown in the Madhya Pradesh and Hyderabad States and Nasik and East and West Khandesh Districts of the Bombay State.

(n) "Mathia" means cotton recognised as such and grown in the Saurashtra State and Amreli District of Bombay State, and "Mungari" means cotton recognised as such and grown in the Bellary, Anantapur and Cuddapah Districts and Pattikonda Taluka of the Kurnool Districts of the Madras State and Kharif Cotton grown in Raichur (excluding the Raichur protected area) and Gulbarga Districts of the Hyderabad State.

(o) "C. P. I and C. P. II" means cotton recognised as such and grown in the State of Madhya Pradesh (excluding Nimar and Hoshangabad Districts) and Adilabad District of the Hyderabad State.

(p) "Central India" means cotton recognised as such and grown in the Madhya Bharat, Bhopal and Rajasthan States; and includes "Malvi".

(q) "Buri American" means cotton recognised as such and grown in the Nimar, Akola, Amraoti and Wardha Districts of the Madhya Pradesh State, Madhya Bharat State, and Kotah and Udaipur Divisions of Rajasthan State, provided such places are situated in areas protected under the Cotton Transport Act 1923 or the corresponding Acts; or the Cotton complies with the proviso appended to this paragraph and includes "Buri 107" and "Indore 1".

(r) "Parbhani American" means cotton recognised as such and grown in the Northern Talukas of the Aurangabad District and Western Highland Talukas of the Adilabad District of the Hyderabad State, provided such places are situated in areas protected under the Hyderabad Cotton Cultivation and Transport Act or the cotton complies with the proviso appended to this paragraph.

(s) "Gaorani 6 and 12" means cotton recognised as such and grown in the Nanded, Bidar and Parbhani Districts, Latur Taluka of the Oosmanabad District, and Nirmal Taluka of the Adilabad District of the Hyderabad State provided such places are situated in areas protected under the Hyderabad Cotton Cultivation and Transport Act, or the cottons comply with the proviso appended to this paragraph.

Proviso.—The cottons to which this proviso applies as referred to in the aforesaid definitions should be certified either by the Department of Agriculture of the State concerned or by a Committee to be appointed by the Textile Commissioner in this behalf that they conform to the definition and quality specified for them.

SCHEDULE

Description of cotton Season 1950-51	Basic staple length inches	Basic minimum price Rs. per candy	Basic maximum price Rs. per candy	'Off' and 'On' allowances for class other than basic class						'Off' allowances for staple below basic staple		'On' Allowances for staple above the basic staple				
				Good	F Good	Fine	S. Fine	Extra S. Fine	Choice	2/32"	1/32"	1/32"	2/32"	3/32"	4/32"	5/32"
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
		Rs.	Rs.				Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Jarilla ...	25/32"	495	770	...	5	Basis	5	15	25	40	20	20	45	70	....	...
Vijay ...	25/32"	565	840	...	5	do	5	10	15	45	20	20	45	70	100	...
Surat ...	7/8"	655	930	...	5	do	5	10	15	50	25	20	45	70	100	...
P/Am 4F R.G. ...	3/4"	525	800	...	5	do	5	10	15	40	20	20	45	70	...	...
P/Am 4F S.G. ...	3/4"	545	820	...	5	do	5	10	15	40	20	20	45	70	...	...
P/Am L.S.S.R.G. ...	13/16"	585	860	...	5	do	5	10	15	45	20	20	45	70	...	...
P/Am L.S.S.S.G. ...	13/16"	605	880	...	5	do	5	10	15	45	20	20	45	70	...	...
P/Am 289 F.R.G. ...	7/8"	675	950	...	5	do	5	10	15	50	25	20	45	70	100	...
P/Am 289 F.S.G. ...	7/8"	705	980	...	5	do	5	10	15	50	25	20	45	70	100	...
Compta ...	7/8"	645	920	...	5	do	5	10	15	50	25	20	45	70	100	...
Western ...	13/16"	555	830	...	5	do	5	10	15	45	20	20	45	70	100	...
Upland ..	13/16"	575	850	...	5	do	5	10	15	45	20	20	45	70	...	...
Cambodia ...	7/8"	675	950	...	5	do	5	15	25	60	30	40	65	90	120	...
Karunganni ...	13/16"	575	850	...	5	do	5	10	15	50	25	20	45	70	100	120
Dhollera ...	3/4"	...	720	...	5	do	5	10	15	40	20	20	45	70	...	...
Kalagin ...	3/4"	...	720	...	5	do	5	10	15	40	20	20	45	70	...	...
Bengal Deshi ...	...	...	595	40	Basis	20	40	60	80	...	...	...	...	...	...	...
Oomra Deshi ...	...	...	645	...	5	Basis	20	40	60	...	...	...	...	...	...	...
Mathia & Mungari ...	...	...	645	...	5	do	20	40	60	...	...	...	...	...	...	...
C.P. I. and C.P. II ...	5/8"	...	670	...	5	do	5	15	25	40	20	20	45	70	...	...
Central India ...	5/8"	...	645	...	5	do	5	15	25	40	20	20	45	70	...	...
Buri American ...	7/8"	625	900	...	5	do	5	10	15	50	25	20	45	70	100	...
Parbhani American ...	7/8"	625	900	...	5	do	5	10	15	50	25	20	45	70	100	...
Gaorani 6 and 12 ...	7/8"	625	900	...	5	do	5	10	15	50	25	20	45	70	100	...

T. P. BARAT, *Textile Commissioner.*

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NOTIFICATION.

No. C. 397—Co. 40-50-45, dated Bangalore, the 2nd—5th June 1951.

Ordered that the accompanying Notifications No. 14 (2) P.C./50, dated the 22nd May 1951 and No. P.C. 18 (1)/51, dated the 22nd May 1951 of the Government of India, Ministry of Commerce and Industry under the Supply and Prices of Goods Act, 1950 (LXX of 1950), be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND SUPPLY.

NOTIFICATION.

New Delhi, the 22nd May 1951.

No. P.C. 18 (1)—51. In exercise of the powers conferred by section 26 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that the following amendment shall be made in the Sulphur Stock (Regulation) Rules, 1951, namely :—

In the said Rules—

(*a*) In rule 2 the following shall be added at the end, namely :—

"Every such person shall submit in writing to the aforesaid officer, before the 15th day of every month particulars of the stocks of sulphur held by him on the 1st day of the preceding month, in the form specified in the Schedule".

(*b*) After rule 3, the following schedule shall be inserted, namely :—

THE SCHEDULE.

(*See* RULE 2).

Stock return for sulphur for the month of.....

(*a*) Opening stocks of sulphur.
(*b*) Quantity of sulphur acquired during the month.
(*c*) Quantity of sulphur consumed during the month.
(*d*) Closing stocks of sulphur.
(*e*) Quantity of products manufactured against sulphur consumed.

P. S. SUNDARAM,

Under Secretary to the
Government of India.

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NOTIFICATION.

New Delhi, the 22nd May 1951.

No. 14 (2) P.C.—50. In exercise of the powers conferred by Section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that the following amendment shall be made in the Notification of the Government of India to the Ministry of Commerce and Industry S.R.O. No. 168, dated 1st February 1951, namely :—

In the said notification —

(*a*) after the words "Cycle Tyres and Tubes" where they occur for the first time the words "manufactured in India" shall be inserted ;

(*b*) after the words "maximum prices for" the word "such" shall be inserted.

S. K. DATTA,
Deputy Secretary.

NOTIFICATION.

No. C. 403—Co. 40-50-17, dated Bangalore, the 6th June 1951.

Ordered that the accompanying Notification No. 15 (5) P.C./50, dated the 23rd May 1951 of the Government of India, Ministry of Commerce and Industry under the Supply and Prices of Goods Act, 1950 (LXX of 1950) be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,
N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 23rd May 1951.

No. 15 (5) P.C.—50. In exercise of the powers conferred by Sections 7 and 19 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that the following amendment shall be made in the Notification of the Government of India in the late Ministry of Industry and Supply, No. S.R.O. 979, dated the 27th November 1950, namely :—

In the said Notification after the words 'preceding month' the following words shall be inserted, namely :—

"and in the case of cycle tyres and tubes, the declaration shall contain information about each make of cycle tyres and tubes."

P. S. SUNDARAM,
Under Secretary to the Government of India.

603 NOTIFICATION.

No. C. 399—Co. 2-51-4, dated Bangalore, 9th June 1951.

Ordered that the accompanying notifications of the Textile Commissioner, Bombay, issued under the Cotton Textiles (Control of Movements) Order, 1948 be republished in the *Mysore Gazette* for the information of the public :—

1. No. S.R.O. 229, dated the 24th February 1951.
2. No. 15-Tex. 1—49 (C. T.), dated the 20th February 1951.
3. No. 15-Tex. 1—49 (C. T.), dated the 14th April 1951.

By Order of His Highness the Maharaja

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agricultural Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

Bombay, the 24th February 1951.

S. R. O. 229.—In pursuance of sub-clause (e) of Clause 2 of the Cotton Textiles (Control of Movement) Order, 1948, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. 15-Tex. 1—49 (ii), dated the 25th March 1950, namely :—

In the table appended to the said notification, for entries Nos. 3 and 4 the following shall be substituted :—

" .	Shri M. R. Row, Deputy Director, Office of the Textile Commissioner, Bombay.	All zones.
4.	Shri H. S. Dhir, Assistant Director, Branch Office of the Textile Commissioner, Ahmedabad.	Bombay."

[No. 15-C.T.—51-2]

T. P. BARAT,
Textile Commissioner.

Bombay, the 20th February 1951.

No. 15-Tex. 1—49 (C.T.).—In pursuance of clause 8 of the Cotton Textiles (Control of Movement) Order, 1948, I hereby direct that the following further amendment shall be made in the Textile Commissioner's notification No. 101—19-Tex. 1—48 (iv), dated the 10th September 1948, namely :—

In the caption to Special Transport Permit for the words " Ministry of Industry and Supply " the words " Ministry of Commerce and Industry " shall be substituted.

T. P. BARAT,
Textile Commissioner.

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Bombay, the 14th April 1951.

No. 15-Tex. 1—49 (C. T.).—In pursuance of sub-clause (i) of clause 3 of the Cotton Textiles (Control of Movement) Order, 1948, I hereby direct that the following further amendment shall be made in the General Permit No. 1, dated the 13th August 1949 contained in the Textile Commissioner's Notification No. 15-Tex. 1—49, dated the 13th August 1949, namely,

In the said general permit, for paragraph 4-A the following shall be substituted :—

4-A. Any person may transport or cause to be transported by rail from any place in any zone to any place in that or any other zone a consignment of cloth if such transport is authorised in writing by an Officer in-charge of an Ordnance Depot under the Ministry of Defence and is accompanied by a certificate signed by that officer that the consignment is intended for a unit of the National Cadet Corps, M. E. S. Installations or Assam Rifles.

T. P. BARAT,
Textile Commissioner.

NOTIFICATION.

No. C. 465 –Co. 40-50-49, dated Bangalore, 9th June 1951.

Ordered that the accompanying notification No. PC—4 (1)—50, dated the 1st June 1951 of the Government of India, Ministry of Commerce and Industry under the Supply and Prices of Goods Act, 1950 (No. LXX of 1950) be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agricultural
Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 1st June, 1951.

PC-4 (1)—50.—In exercise of powers conferred by Section 4 of the Supply and Prices of Goods Act, 1950 (No. LXX of 1950) and in modification of the late Ministry of Industry and Supply Notification No. S. R. O. 500, dated the 2nd September 1950 in so far as it relates to the fixation of maximum price of Cow and Gate Milk, the Central Government hereby fixes the following schedule of maximum price for the said type of Infants' Food,

605 SCHEDULE.

Goods		*Maximum retail price which may be charged to a consumer.*
Cow and Gate Milk	...	... Rs. 4-4-0 per lb. tin.
Cow and Gate Milk	...	... Rs. 8-4-0 per 2 lb. tin.

S. K. DATTA,
Deputy Secretary
to the Government of India.

NOTIFICATION.

No. C. 480—Co. 40-50-49, dated Bangalore, 12—13 June 1951.

Ordered that the accompanying notification No. PC-4 (I)—50 dated the 1st June 1951 of the Government of India, Ministry of Commerce and Industry under the Supply and Prices of Goods Act, 1950 (LXX of 1950), be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 1st June 1951.

No. PC.-4 (1) 50—In exercise of the powers conferred by Section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that the following amendments shall be made in the Schedule to the notification of the Government of India in the late Ministry of Industry and Supply No. S.R.O. 500 dated the 2nd September 1950, namely :—

In the said schedule for the entries relating to items 3, 4, 5 and 6 the following entries, respectively shall be substituted, namely :—

Goods		Maximum retail price to the consumer. Rs. a. p.
Glaxo 1 lb.	...	3 11 0 per tin
Glaxo 2 lb.	...	7 0 0 per tin
Ostermilk 1 lb.	...	3 12 0 per tin
Ostermilk 2 lb.	...	7 1 0 per tin

S. K. DATTA,
Deputy Secretary to the
Government of India.

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PART IV

Section 2-B.

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

No. L.D. 568—L.A. 12-51-1, dated Bangalore, 13th June 1951.

In exercise of the powers conferred by clause (3) of Article 187 read with clause (1) of Article 238 of the Constitution of India, His Highness the Rajpramukh of Mysore is pleased to make the following rules, namely :—

1. (1) The Secretary to the Legislative Assembly shall be appointed by the State Government in consultation with the Speaker of the Legislative Assembly.

(2) There shall be paid to the Secretary a monthly salary calculated at the scale of Rs. 800—50—1200 per mensem.

2. The State Government may appoint any officer or other person as officiating or as permanent Secretary, and shall, while making any such appointment, fix the initial salary of the incumbent in accordance with the provisions of the Mysore Service Regulations for the time being in force, regulating the salary of an officiating or permanent officer.

Note.—For the purpose of this rule the appointment of the person who on the date of commencement of these rules is the incumbent of the office of the Secretary to the Assembly shall be deemed to be an officiating appointment and the State Government shall fix his salary accordingly.

3. These rules shall be deemed to have come into force on the 17th day of February 1950.

JAYA CHAMARAJA WADIYAR,
Maharaja of Mysore.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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PART IV

Section I-A

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. L.D. 547—Legis. 3-51-8, dated Bangalore, 5th June 1951.

Ordered that the accompanying The Coal Mines Provident Fund and Bonus Schemes (Amendment) Bill, 1951 (Central Bill No. 33 of 1951), published in the *Gazette of India*, Part II, Section 2, dated the 14th April 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

BILL NO. 33 OF 1951

A Bill further to amend the Coal Mines Provident Fund and Bonus Schemes Act, 1948.

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Coal Mines Provident Fund and Bonus Schemes (Amendment) Act, 1951.

2. Insertion of new section 10A in Act XLVI of 1948.—After section 10 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (hereinafter referred to as the Principal Act), the following section shall be inserted, namely:—

"10-A. *Mode of recovery of money due from an employer.*—Any amount due from an employer in respect of any contribution or bonus under any scheme framed under this Act may be recovered by the Central Government in the same manner as an arrear of land revenue."

3 Amendment of the First Schedule, Act XLVI of 1948.—In the First Schedule to the Principal Act—

(*a*) for paragraph 2, the following paragraph shall be substituted and shall be deemed always to have been substituted, namely:—

"2. Payment of contributions to the fund by employers and by, or on behalf of, employees, the rate, time and manner of its payment and the manner in which such contributions may be recovered."

(*b*) in paragraph 3, for the words "it shall be paid" the words "the payment shall be made" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The Coal Mines Provident Fund Scheme framed under the Coal Mines Provident Fund and Bonus Schemes Act, 1948, provides for contributions both by the employers as well as the employees in equal proportion. Although contributions have all along been made on this basis, paragraph 2 of the First Schedule to the Act refers only to contributions by the employers on behalf of the employees which they subsequently recover from the employees' wages, and not the contributions which the employers themselves are required to make for the benefit of the employees. The Act also does not provide for the manner in which employers' contributions are to be recovered from those who fail or refuse to pay. The present Bill seeks to remedy these defects.

NEW DELHI,
The 30th March 1951.

JAGJIVAN RAM.

NOTIFICATION.

No. L. D. 548—Legis. 3-51-9, dated Bangalore, 5th June 1951.

Ordered that the accompanying Cinematograph Bill, 1951 (Central Bill No. 35 of 1951), published in the *Gazette of India*, Part II, Section 2, dated the 14th April 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

BILL NO. 35 OF 1951

A Bill to make provision for the certification of cinematograph films for exhibition and for regulating exhibitions by means of cinematographs.

BE it enacted by Parliament as follows :—

PART I

PRELIMINARY

1. Short title, extent and commencement.—(*1*) This Act may be called the Cinematograph Act, 1951.

(*2*) Parts I, II and IV extend to the whole of India except the State of Jammu and Kashmir and Part III extends to Part C States only.

(*3*) This Act shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "adult" means a person who has completed his eighteenth year ;

(*b*) "Board" means the Board of Film Censors constituted by the Central Government under section 3 ;

(*c*) "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures ;

(*d*) "district magistrate", in relation to a presidency-town, means the commissioner of police ;

(*e*) "India" means the territory of India excluding the State of Jammu and Kashmir ;

(*f*) "place" includes a house, building, tent and any description of transport, whether by sea, land or air ;

(*g*) "prescribed" means prescribed by rules made under this Act.

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PART II

CERTIFICATION OF FILMS FOR PUBLIC EXHIBITION

3. Board of Film Censors.—The Central Government may, by notification in the official Gazette, constitute a Board of Film Censors, consisting of such number of persons as may be prescribed, for the purpose of examining and certifying films as suitable for unrestricted public exhibition or for public exhibition restricted to adults and prescribe the manner in which the Board shall exercise the powers conferred on it by this Act.

4. Certification of films.—(*1*) If the Board, after examination, considers that a film is suitable for unrestricted public exhibition or that although not suitable for such exhibition it is suitable for public exhibition restricted to adults, it shall grant to the person applying for a certificate in respect of the film a "U" certificate in the former case and an "A" certificate in the latter case and shall, in either case, cause the film to be so marked in the prescribed manner, and any such certificate shall, save as hereinafter provided, be valid throughout India.

(*2*) If the Board is of opinion that a film is neither suitable for unrestricted public exhibition nor for public exhibition restricted to adults, it shall inform the person applying for the certificate of its decision.

5. Appeals.—(*1*) Any person applying for a certificate, who is aggrieved by the decision of the Board—

(*a*) refusing to grant a certificate, or

(*b*) granting only an "A" certificate,

may, within thirty days from the date of such decision, appeal to the Central Government, and the Central Government may, after such inquiry into the matter as it considers necessary, pass such orders thereon as it thinks fit.

(*2*) If the Central Government rejects an appeal on the ground that a film is neither suitable for unrestricted public exhibition nor for public exhibition restricted to adults, it shall, by notification in the official Gazette, direct that the film shall be deemed to be an uncertified film in the whole of India.

(*3*) For the purpose of disposing of any appeal under this section, the Central Government may demand the exhibition of any film before any authority specified in this behalf and call for the report of such authority thereon.

6. Power of Central Government to modify orders under section 4 or section 5.—Notwithstanding anything contained in this Part, the Central Government may, of its own motion by notification in the official Gazette, direct that—

(*a*) a certified film shall be deemed to be an uncertified film in the whole or any part of India, or

(*b*) a film in respect of which a "U" certificate has been granted, shall be deemed to be a film in respect of which an "A" certificate has been granted.

7. Penalties for contraventions of this Part.—(*1*) If any person exhibits, or permits to be exhibited in any place,—

(*a*) any film other than a film which has been certified by the Board as suitable for unrestricted public exhibition or for public exhibition restricted to adults and which when exhibited displays the prescribed mark of the Board and has not been altered or tampered with in any way since such mark was affixed thereto, or

(*b*) any film, which has been certified by the Board as suitable for public exhibition restricted to adults, to any person who is not an adult,

he shall be punishable with fine which may extend to one thousand rupees, and in the case of a continuing offence with a further fine which may extend to one hundred rupees for each day during which the offence continues.

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(2) If any person is convicted of an offence punishable under this section committed by him in respect of any film, the convicting court may further direct that the film shall be forfeited to the Government.

(3) The exhibition of a film, in respect of which an "A" certificate has been granted, to children below the age of three years shall not be deemed to be an offence within the meaning of this section.

8. Power to make rules.—(1) The Central Government may, by notification in the official Gazette, make rules for the purpose of carrying into effect the provisions of this Part.

(2) In particular, and without prejudice to the generality of the foregoing power rules made under this section may provide for—

(a) the number of persons who may constitute the Board and the manner in which the Board may exercise its powers, including the delegation of any of the powers of the Board to such person or persons as the Board may nominate in that behalf;

(b) the procedure of the Board for examining and certifying films as suitable for public exhibition and all matters ancillary thereto and the fees that may be levied by the Board;

(c) the appointment of officers subordinate to the Board and the regulation of the terms and conditions of service and the powers and duties of such officers;

(d) the conditions (including conditions relating to the length of films in general or any class of films, in particular) subject to which any certificate may be granted, or the circumstances in which any certificate shall be refused;

(e) the manner in which an appeal under this Part may be preferred;

(f) any other matter which by this Act is to be prescribed.

(3) All rules made by the Central Government under this Part shall be laid before Parliament as soon as may be after they are made.

9. Power to exempt.—The Central Government may, by order in writing exempt, subject to such conditions and restrictions, if any, as it may impose, the exhibition of any film or class of films from any of the provisions of this Part or of any rules made thereunder.

PART III.

REGULATION OF EXHIBITIONS BY MEANS OF CINEMATOGRAPHS.

10. Cinematograph exhibitions to be licensed.—Save as otherwise provided in this Part, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Part or otherwise than in compliance with any conditions and restrictions imposed by such licence.

11. Licensing authority.—The authority having power to grant licences under this Part (hereinafter referred to as the licensing authority) shall be the district magistrate:

Provided that the Central Government may, by notification in the Official Gazette, constitute, for the whole or any part of a Part C State, such other authority as it may specify in the notification to be the licensing authority for the purposes of this Part.

12. Restrictions on powers of licensing authority.—(1) The licensing authority shall not grant a licence under this Part, unless it is satisfied that—

(a) the rules made under this Part have been substantially complied with, and

(*b*) adequate precautions have been taken in the place, in respect of which the licence is to be given, to provide for the safety of persons attending exhibitions therein.

(*2*) Subject to the foregoing provisions of this section and to the control of the State Government, the licensing authority may grant licences under this Part to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine.

(*3*) The Central Government may, from time to time, issue directions to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films, so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited, and where any such directions have been issued those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

13. Power of Central Government or local authority to suspend exhibition of films in certain cases.—(*1*) The Chief Commissioner, in respect of the whole Part C State or any part thereof, and the district magistrate in respect of the district within his jurisdiction, may, if he is of opinion that any film which is being publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of the film and during such suspension the film shall be deemed to be an uncertified film in the State, part or district, as the case may be.

(*2*) Where an order under sub-section (*1*) has been issued by the Chief Commissioner or a district magistrate, as the case may be, a copy thereof, together with a statement of reasons therefor, shall forthwith be forwarded by the person making the same to the Central Government, and the Central Government may either confirm or discharge the order.

(*3*) An order made under this section shall remain in force for a period of two months from the date thereof, but the Central Government may, if it is of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as it thinks fit.

14. Penalties for contravention of this Part.—If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Part or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Part, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues and his licence, if any, shall be liable to be revoked by the licensing authority.

15. Power to make rules.—The Central Government may, by notification in the Official Gazette, make rules—

(*a*) prescribing the terms, conditions and restrictions, if any, subject to which licences may be granted under this Part;

(*b*) providing for the regulation of cinematograph exhibitions for securing the public safety.

16. Power to exempt.—The Central Government may, by order in writing exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Part or of any rules made thereunder.

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PART IV

REPEAL.

17. Repeal.—The Cinematograph Act, 1918 (II of 1918), is hereby repealed:

Provided that in relation to part A States and Part B States the repeal shall have effect only in so far as the said Act relates to the sanctioning of Cinematograph films for exhibition.

STATEMENT OF OBJECTS AND REASONS.

The Cinematograph Act, 1918, as it stands, is of mixed content, dealing with two separate matters, *viz.*, (*a*) examination and certification of films as suitable for public exhibition and (*b*) regulation of cinemas including their licensing. In the Seventh Schedule of the Constitution, "Sanctioning of cinematograph films for exhibition" has been included in entry 60 of the Union List and "Cinemas, subject to the provisions of entry 60 of List I" in entry 33 of the State List. Some of the sections of the Cinematograph Act, therefore, concern the Central Government some the State Governments and others both the Central and State Governments. Some sections of the Act were amended in 1949, but only for the introduction of "A" and "U" certificates and centralisation of censorship. In the absence of a clear demarcation of the respective provisions of the Act with which the Central and State Governments are concerned, various difficulties are arising in the administration of the Act. The purpose of the present Bill is to resolve the confusion by re-enacting the provisions of the Act of 1918 as amended in 1949, separating the provisions relating to the sanctioning of films for exhibition (a Union subject) from the provisions relating to licensing and regulation of cinemas (a State subject).

R. R. DIWAKAR.

NEW DELHI,
The 28th March, 1951.

M. N. KAUL,
Secretary.

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NOTIFICATION.

No. L.D. 566—Legis. 3-51-13, dated Bangalore, 13th June 1951.

Ordered that the accompanying Contempt of Courts Bill, 1951 (Central Bill No. 46 of 1951) published in the *Gazette of India*, Part II, Section 2, dated the 12th May 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government; Law Department.

GOVERNMENT OF INDIA.

PART II—Section 2.

BILLS AND REPORTS OF SELECT COMMITTEES ON BILLS.

PARLIAMENT OF INDIA.

The following Bills were introduced in Parliament on the 8th May, 1951 :—

BILL No. 46 OF 1951.

A Bill to define and limit the powers of certain courts in punishing contempts of courts.

BE it enacted by Parliament as follows :—

1. Short title and extent.—(*1*) This Act may be called the Contempt of Courts Act, 1951.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

2. Definition.—In this Act, "High Court" means the High Court for a Part A State or a Part B State, and includes the Court of the Judicial Commissioner in a Part C State.

3. Power of High Court to punish contempts of subordinate courts.—(*1*) Subject to the provisions of sub-section (*2*), every High Court shall have and exercise the same jurisdiction, powers and authority, in accordance with the same procedure and practice, in respect of contempts of courts subordinate to it as it has and exercises in respect of contempts of itself.

(*2*) No High Court shall take cognizance of a contempt alleged to have been committed in respect of a court subordinate to it where such contempt is an offence punishable under the Indian Penal Code (Act XLV of 1860).

4. Limit of punishment for contempt of court.—Save as otherwise expressly provided by any law for the time being in force, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both :

Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the court :

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Provided further that notwithstanding anything elsewhere contained in any law for the time being in force, no High Court shall impose a sentence in excess of that specified in this section for any contempt either in respect of itself or of a court subordinate to it.

5. Power of High Court to try offences committed or offenders found outside jurisdiction.—A High Court shall have jurisdiction to inquire into or try a contempt of itself or of any court subordinate to it, whether the contempt is alleged to have been committed within or outside the local limits of its jurisdiction and whether the person alleged to be guilty of the contempt, is within or outside such limits.

6. Repeals and savings.—(*1*) The Contempt of Courts Act, 1926 (XII of 1926), and the enactments specified in the Schedule are hereby repealed.

(*2*) Section 6 of the General Clauses Act, 1897 (X of 1897), shall apply to the repeal of any of the laws specified in the Schedule as it applies to the repeal of the Contempt of Courts Act, 1926 (XII of 1926).

THE SCHEDULE.

(*See* SECTION 6).

	Short title and description of enactment	*Extent of repeal*
1	The Contempt of Courts Act, IV of 1355F., as in force in the State of Hyderabad ...	... The whole
2	The Indore Contempt of Courts Act, No. V of 1930, as in force in the State of Madhya Bharat. ...	... The whole
3	The Contempt of Courts Act, Gwalior State, Samvat 2001, as in force in the State of Madhya Bharat ...	... The whole
4	The Contempt of Courts Act, 1930 (XI of 1930), as in force in the State of Mysore ...	... The whole
5	The Contempt of Courts Act, S. 1991 (V of S. 1991), as in force in the Patiala and East Punjab States Union	... The whole
6	The Patiala and East Punjab States Union Judicature Ordinance, S. 2005 (X of S. 2005) ...	... Section 33
7	The Contempt of Courts Act, 1926 (XII of 1926), as in force in the State of Rajasthan before the commencement of this Act.	The whole
8	The Contempt of Courts Act, 1926 (XII of 1926), as in force in the State of Saurashtra before the commencement of this Act.	The whole
9	The High Court of Judicature Saurashtra State Ordinance, 1948 (Saurashtra Ordinance II of 1948) ...	... Section 31
10	The Cochin Contempt of Courts Act (XXXII of 1111), as in force in the State of Travancore—Cochin ...	... The whole

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STATEMENT OF OBJECTS AND REASONS.

The Constitution recognises the power of High Courts to punish for contempts of them; but there is no specific provision of law which enables a High Court to exercise this power in respect of a contempt committed beyond its territorial jurisdiction. It is desirable that a High Court as a court of record, should be able to punish for contempt of itself and of courts subordinate to it irrespective of whether the contempt is committed within or outside its territorial jurisdiction and irrespective of whether the alleged contemner is for the time being at a place within or outside such jurisdiction. The Bill seeks mainly to achieve this object. Incidentally the Act is sought to be made applicable to Part B States also, the local laws on the subject being repealed.

C. RAJAGOPALACHARI.

NEW DELHI;

The 26th April, 1951.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

616 PART IV

Section—1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 2830—Legis.—2-50-48, dated Bangalore, 19th December 1950.

Ordered that the accompanying Road Transport Corporations Act, 1950 (No. LXIV of 1950), published in the *Gazette of India*, Part II, Section 1, dated the 5th December 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LAW

New Delhi, the 5th December 1950.

The following Act of Parliament received the assent of the President on the 4th December, 1950 and is hereby published for general information :—

THE ROAD TRANSPORT CORPORATIONS ACT, 1950

No. LXIV OF 1950

AN

ACT

to provide for the incorporation and regulation of Road Transport Corporations.

[*4th December* 1950]

BE it enacted by Parliament as follows :—

CHAPTER I

PRELIMINARY.

1. **Short title, extent and commencement.**—(1) This Act may be called the Road Transport Corporations Act, 1950.

(2) It extends to the whole of India except the States of Delhi and Jammu and Kashmir.

(3) It shall come into force in a State on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf for such State and different dates may be appointed for different States.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(*a*) "ancillary service" means any subsidiary service which provides amenities or facilities to persons making use of any road transport service of a Corporation ;

(*b*) "Corporation" means a Road Transport Corporation established under section 3 ;

(*c*) "extended area" means any area or route to which the operation of any road transport service of a Corporation has been extended in the manner provided in section 20 ;

(*d*) "prescribed" means prescribed by rules made under this Act ;

(*e*) "road transport service" means a service carrying passengers or goods or both by road in vehicles for hire or reward ;

(*f*) "vehicle" means any mechanically propelled vehicle, used or capable of being used for the purpose of road transport, and includes a tram-car, a troelly-vehicle and a trailer ;

(*g*) words and expressions used but not defined in this Act and defined in the Motor Vehicles Act, 1939 (IV of 1939), have the meanings assigned to them in that Act ;

(*h*) any reference to an enactment not in force in a Part B State shall, in relation to that State be construed as a reference to the corresponding law, if any, in force in that State.

CHAPTER II

ROAD TRANSPORT CORPORATIONS.

3. Establishment of Road Transport Corporations in the States.—The State Government, having regard to—

(*a*) the advantages offered to the public, trade and industry by the development of Road Transport;

(*b*) the desirability of co-ordinating any form of road transport with any other form of transport;

(*c*) the desirability of extending and improving the facilities for road transport in any area and of providing an efficient and economical system of road transport service therein;

may, by notification in the Official Gazette, establish a Road Transport Corporation for the whole or any part of the State under such name as may be specified in the notification.

4. Incorporation.—Every Corporation shall be a body corporate by the name notified under section 3 having perpetual succession and a common seal, and shall by the said name sue and be sued.

5. Constitution of Road Transport Corporations.—(1) Subject to rules made under this Act, a Corporation shall consist of a Chairman and such number of other members as the State Government may think fit to appoint.

(2) The State Government may, if it so thinks fit, appoint one of the other members as the Vice-Chairman of the Corporation.

(3) Rules made under this Act shall provide for the representation both of the Central Government and of the State Government concerned in the Corporation in such proportion as may be agreed to by both the Governments and of nomination by each Government of its own representatives therein, and where the capital of a Corporation is raised by the issue of shares to other parties under sub-section (3) of Section 23, provision shall also be made for the representation of such shareholders in the Corporation and the manner in which the representatives shall be elected by such shareholders.

(4) The term of office of, and the manner of filling casual vacancies among, members of the Corporation shall be such as may be prescribed.

6. Disqualifications for being chosen as, or for being, a member of a Corporation.—A person shall be disqualified for being chosen as, or for being, a member of a Corporation—

(*a*) if he is found to be a lunatic or a person of unsound mind; or

(*b*) if he has been adjudged insolvent; or

(*c*) if he has been convicted of an offence involving moral turpitude; or

(*d*) if he has directly, or indirectly, any interest in any subsisting contract made with, or in any work being done for, the Corporation except as a shareholder (other than a director) in an incorporated company, provided that where he is a shareholder he shall disclose to the State Government the nature and extent of shares held by him in such company; or

(*e*) if he has any financial interest in any other road transport undertaking.

7. Resignation of office by the Chairman or a member.—The Chairman or any other member of a Corporation may resign his office by giving notice in writing to the State Government and, on such resignation being accepted by that Government, shall be deemed to have vacated his office.

8. Removal of Chairman and members from office.—The State Government may remove from office the Chairman or any other member of the Corporation who—

(*a*) is or becomes subject to any of the disqualifications mentioned in section 6; or

(*b*) without excuse sufficient in the opinion of the State Government, is absent from more than four consecutive meetings of the Corporation:

Provided that no member nominated by the Central Government shall be removed from office without the concurrence of that Government.

9. Vacancies amongst members or defect in the constitution not to invalidate acts or proceedings of a Corporation.—No act or proceeding of a Corporation shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

10. Temporary association of persons with a Corporation for particular purposes.—(1) A Corporation may associate with itself for any particular purpose in such manner as may be determined by regulations made under this Act any person whose assistance or advice it may desire.

(2) A person associated with it by the Corporation under sub-section (1) for any purpose shall have a right to take part in the discussions of the Corporation relevant to that purpose, but shall not have a right to vote at a meeting of the Corporation.

11. Meetings of Corporations.—(1) A Corporation shall meet at such times and places and shall, subject to the provisions of sub-sections (2) and (3) observe such rules of procedure in regard to transaction of business at its meetings as may be provided by regulations made under this Act:

Provided that the Corporation shall meet at least once in every three months.

(2) The person to preside at a meeting of a Corporation shall be the Chairman thereof, or in his absence from any meeting, the Vice-Chairman, if any, or in the absence of both the Chairman and the Vice-Chairman, such member as may be chosen by the members present from among themselves to preside.

(3) All questions at a meeting of a Corporation shall be decided by a majority of votes of the members present, and in the case of equality of votes, the Chairman or, in his absence, any other person presiding shall have a second or casting vote.

12. Power to appoint committees and delegate functions.—A Corporation may, from time to time, by resolution passed at a meeting—

(*a*) appoint committees of its members for performing such functions as may be specified in the resolution;

(*b*) delegate to any such committee or to the Chairman or Vice-Chairman, subject to such conditions and limitations, if any, as may be specified in the resolution, such of its powers and duties as it may think fit;

(*c*) authorise the Chief Executive Officer or General Manager, subject to such conditions and limitations, if any, as may be specified in the resolution to exercise such powers and perform such duties as it may deem necessary for the efficient day to day administration of its business.

13. Authentication of orders and other instruments of a Corporation.—All orders and decisions of a Corporation shall be authenticated by the signature of the Chairman or any other member authorised by the Corporation in this behalf, and all other instruments issued by a Corporation shall be

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authenticated by the signature of the Chief Executive Officer or General Manager or any other officer of the Corporation authorised in like manner in this behalf.

14. Officers and servants of the Corporation.—(1) Every Corporation shall have a Chief Executive Officer or General Manager and a Chief Accounts Officer appointed by the State Government.

(2) A Corporation may appoint such other officers and servants as it considers necessary for the efficient performance of its functions.

(3) The conditions of appointment and service and the scales of pay of the officers and servants of a Corporation shall—

(*a*) as respects the Chief Executive Officer or General Manager and the Chief Accounts Officer be such as may be prescribed, and

(*b*) as respects the other officers and servants be such as may, subject to the provisions of section 34, be determined by regulations made under this Act.

15. The Chief Executive Officer or General Manager and the Chief Accounts Officer.—(1) The Chief Executive Officer or General Manager shall be the executive head of the Corporation and all other officers and servants of the Corporation shall be subordinate to him.

(2) The Chief Accounts Officer shall have the right to record his views on every proposal involving expenditure from the fund of the Corporation prior to the consideration of such proposal by the Corporation.

16. General disqualification of all officers and servants.—No person who has directly or indirectly, by himself or his partner or agent, any share or interest in any contract, by or on behalf of a Corporation, or in any other road transport undertaking shall become or remain an officer or servant of the Corporation.

17. Appointment of Advisory Council.—The State Government may, after ascertaining the views of the Corporation, by notification in the Official Gazette, constitute one or more Advisory Councils consisting of such number of persons, on such terms, and for the purpose of advising the Corporation on such matters, as may be specified in that notification.

CHAPTER III.

Powers and Duties of Corporation.

18. General Duty of Corporation.—It shall be the general duty of a Corporation so to exercise its powers as progressively to provide, or secure or promote the provision of, an efficient, adequate, economical and properly co-ordinated system of road transport services in the State or part of the State for which it is established and in any extended area :

Provided that nothing in this section shall be construed as imposing on a Corporation, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court or tribunal to which it would not otherwise be subject.

19. Powers of Corporation.—(1) Subject to the provisions of this Act, a Corporation shall have power—

(*a*) to operate road transport services in the State and in any extended area ;

(*b*) to provide for any ancillary service ;

(*c*) to provide for its employees suitable conditions of service including fair wages, establishment of provident fund, living accommodation, places for rest and recreation and other amenities.

(2) Subject to the provisions of this Act, the powers conferred by sub-section (1) shall include power--

(*a*) to manufacture, purchase, maintain and repair rolling stock, vehicles, appliances, plant, equipment or any other thing required for the purpose of any of the activities of the Corporation referred to in sub-section (1).

Explanation.—In this clause, the expression "manufacture" does not include the construction of the complete unit of a motor vehicle except for purposes of experiment or research ;

(*b*) to acquire and hold such property, both movable and immovable, as the Corporation may deem necessary for the purpose of any of the said activities, and to lease, sell or otherwise transfer any property held by it ;

(*c*) to prepare schemes for the acquisition of, and to acquire, either by agreement or compulsorily in accordance with the law of acquisition for the time being in force in the State concerned and with such procedure as may be prescribed, whether absolutely or for any period, the whole or any part of any undertaking of any other person to the extent to which the activities thereof consist of the operation of road transport services in that State or in any extended area ;

(*d*) to purchase by agreement or to take on lease or under any form of tenancy any land and to erect thereon such buildings as may be necessary for the purpose of carrying on its undertaking ;

(*e*) to authorise the disposal of scrap vehicles, old tyres, used oils, or any other stores of scrap value ;

(*f*) to enter into and perform all such contracts as may be necessary for the performance of its duties and the exercise of its powers under the Act ;

(*g*) to purchase vehicles of such type as may be suitable for use in the road transport services operated by the Corporation ;

(*h*) to purchase or otherwise secure by agreement vehicles, garages, sheds, office buildings, depots, land, workshops, equipment, tools, accessories to and spare parts for vehicles, or any other article owned or possessed by the owner of any other undertaking for use thereof by the Corporation for the purposes of its undertaking ;

(*i*) to do anything for the purpose of advancing the skill of persons employed by the corporation or the efficiency of the equipment of the Corporation or of the manner in which that equipment is operated, including the provision by the Corporation, and the assistance by the Corporation to others for the provision of facilities for training, education and research ;

(*j*) to enter into and carry out agreements with any person carrying on business as a carrier of passengers or goods providing for the carriage of passengers or goods on behalf of the Corporation by that other person at a through fare or freight ;

(*k*) to provide facilities for the consignment, storage and delivery of goods ;

(*l*) to enter into contracts for exhibition of posters and advertising boards on and in the vehicles and premises of the Corporation and also for advertisement on tickets and other forms issued by the Corporation to the public ;

(*m*) with the prior approval of the State Government to do all other things to facilitate the proper carrying on of the business of the Corporation.

(3) Nothing in this section shall be construed as authorising a Corporation, except with the previous approval of the State Government—

(*i*) to manufacture or maintain anything which is not required directly or indirectly for use for the purpose of the undertaking of the Corporation or to repair, store or provide any service for, any vehicle which does not belong to the Corporation or is not used directly or indirectly for the purpose of its undertaking ;

(*ii*) to purchase any vehicle for the purpose of sale to another person ;

(*iii*) to sell or supply to any person lubricants, spare parts, or equipment for or accessories to, vehicles ;

(*iv*) to let vehicles on hire for the carriage of passengers or goods except as expressly provided by or under this Act.

(4) Except as otherwise provided by this Act nothing in the foregoing provisions shall be construed as authorising the Corporation to disregard any law for the time being in force.

(5) Where a Corporation acquires the whole or any part of an undertaking of any other person, the Corporation shall, in appointing its officers and servants, take into consideration the claims of employees employed in that undertaking.

(6) The provisions of this section shall not be construed as limiting any power of a Corporation conferred by or under any subsequent provision of this Act.

20. Extension of the operation of the road transport service of a Corporation to areas within another State.—(1) If a Corporation considers it to be expedient in the public interest to extend the operation of any of its road transport services to any route or area situated within another State, it may, with the permission of the State Government, negotiate with the Government of the other State regarding the proposed extension.

(2) If the Government of the other State approves the proposed extension, the Corporation shall prepare a scheme for the purpose and forward the same to the other Government for its consent, and after such consent has been received, the Corporation may, with the previous approval of the State Government, sanction the scheme.

(3) After the scheme has been so sanctioned it shall be competent for the Corporation to extend the operation of its road transport service to such route or area and when the operation of such service is so extended, the Corporation shall operate the service on that route or in that area subject to the provisions of any law in force in the other State within which such route or area is situated.

(4) The Corporation may, from time to time, alter or extend the scheme sanctioned under sub-section (2) by a supplementary scheme prepared and sanctioned in the manner provided in the foregoing provisions of this section.

21. Carriage of mails.—Notwithstanding anything contained in the Motor Vehicles Act, 1939 (IV of 1939), a corporation shall, if so required by the Central Government, carry mails at such rates and on such terms and conditions as may be specified in this behalf by the Central Government in consultation with the State Government.

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CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT.

22. General principle of Corporation's finance.—It shall be the general principle of a Corporation that in carrying on its undertaking it shall act on business principles.

23. Capital of the Corporation.—(1) The Central Government and the State Government may provide to a Corporation established by the State Government, in such proportion as may be agreed to by both the Governments, any capital that may be required by the Corporation, for the purpose of carrying on the undertaking or for purposes connected therewith on such terms and conditions, not inconsistent with the provisions of this Act, as the State Government may, with the previous approval of the Central Government, determine.

(2) Where the capital of a Corporation is not provided under sub-section (1), the Corporation may raise, by the issue of shares, such capital as may be authorised in this behalf by the State Government.

(3) The authorised capital of the Corporation shall be divided into such number of shares as the State Government may determine; and the number of shares which shall be subscribed by the State Government, the Central Government and other parties (including persons whose undertakings have been acquired by the Corporation) shall also be determined by the State Government in consultation with the Central Government.

(4) The allotment of shares to other parties mentioned in sub-section (3) shall be made by the Corporation in such manner as may be prescribed.

(5) The shares of the Corporation shall not be transferable except in accordance with the rules made under this Act.

(6) The Corporation may at any time, with the previous approval of the State Government, redeem the shares issued to the other parties under sub-section (4) in such manner as may be prescribed.

24. Additional capital of the Corporation.—If, after the issue of shares under section 23 a Corporation requires any further capital, the Corporation may, with the previous sanction of the State Government, raise such additional capital by the issue of new shares and the provisions of sub-sections (2), (3), (4), (5) and (6) of the said section shall apply to the issue of such shares.

25. Guarantee by the State Government.—The shares of a Corporation shall be guaranteed by the State Government as to the payment of the principal and the payment of the annual dividend at such minimum rate as may be fixed by the State Government by notification published in the Official Gazette at the time of issuing the shares.

26. Borrowing powers.—A Corporation may, with the previous approval of the State Government, borrow money in the open market or otherwise for the purpose of raising its working capital.

27. Fund of the Corporation.—(1) Every Corporation shall have its own fund and all receipts of the Corporation shall be carried thereto and all payments by the Corporation shall be made therefrom.

(2) Except as otherwise directed by the State Government, all moneys belonging to that fund shall be deposited in the Reserve Bank of India or with the agents of the Reserve Bank of India, or invested in such securities as may be approved by the State Government.

28. Payment of interest and dividend.—(1) Where the capital of a Corporation is provided by the Central Government and the State Government under sub-section (1) of section 23, the Corporation shall pay interest on such

capital at such rate as may, from time to time, be fixed by the State Government in consultation with the Central Government and such interest shall be deemed to be a part of the expenditure of the Corporation.

(2) Where the Corporation raises its capital by issue of shares, it shall pay dividend on such shares at such rate as may, from time to time, be fixed by the Corporation, subject to any general limitations which may have been imposed by the State Government in consultation with the Central Government, and such dividend shall be deemed to be a part of the expenditure of the Corporation.

29. Provision for depreciation and reserve and other funds.—(1) A Corporation shall make such provisions for depreciation and for reserve and other funds as the State Government may, from time to time direct.

(2) The management of the said funds, the sums to be carried from time to time to the credit thereof and the application of the moneys comprised therein shall be determined by the Corporation :

Provided that no fund shall be utilised for any purpose other than that for which it was created without the previous approval of the State Government.

30. Disposal of net profits.—After making provision for payment of interest and dividend under section 28 and for depreciation, reserve and other funds under section 29, a Corporation may utilise such percentage of its net annual profits as may be specified in this behalf by the State Government for the provision of amenities to the passengers using the road transport services, welfare of labour employed by the Corporation and for such other purposes as may be prescribed with the previous approval of the Central Government, and the balance shall be made over to the State Government for the purpose of road development.

31. Power of the Corporation to spend.—A Corporation shall have power to spend such sums as it thinks fit on objects authorised under this Act and such sums shall be treated as expenditure payable out of the fund of the Corporation.

32. Budget.—(1) Every Corporation shall, by such date in each year as may be prescribed, prepare and submit to the State Government for approval a budget for the next financial year showing the estimated receipts and expenditure during that financial year in such form as may be prescribed.

(2) Subject to the provisions of sub-sections (3) and (4), no sum shall be expended by or on behalf of a Corporation unless the expenditure of the same is covered by a current budget grant approved by the State Government.

(3) A Corporation may sanction any re-appropriation within the grant from one head of the expenditure to another or from a provision made for one scheme to that in respect of another, subject to the condition that the aggregate budget grant is not exceeded.

(4) A Corporation may, within such limits and subject to such conditions as may be prescribed, incur expenditure in excess of the limit provided in the budget approved by the State Government under any head of expenditure or in connection with any particular scheme.

33. Accounts and audit.—(1) Every Corporation shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may be prescribed.

(2) The accounts of a Corporation shall be audited by the auditor appointed by the State Government at such times and in such manner as may be prescribed.

(3) As soon as the accounts of a Corporation have been audited, the Corporation shall send a copy thereof together with a copy of the report of the auditor thereon to the Central Government and the State Government.

CHAPTER V.

MISCELLANEOUS.

34. Directions by the State Government.—(1) The State Government may, after consultation with a Corporation established by such Government, give to the Corporation general instructions to be followed by the Corporation, and such instructions may include directions relating to the recruitment, conditions of service and training of its employees, wages to be paid to the employees, reserves to be maintained by it and disposal of its profits or stocks.

(2) In the exercise of its powers and performance of its duties under this Act, the Corporation shall not depart from any general instructions issued under sub-section (1) except with the previous permission of the State Government.

35. Returns and reports.—(1) Every Corporation shall furnish to the State Government such returns, statistics, accounts and other information with respect to its property or activities or in regard to any proposed scheme as the State Government may from time to time require.

(2) Without prejudice to the provisions of sub-section (1), a Corporation shall, as soon as possible after the end of each financial year, submit to the Central and the State Governments a report on the exercise and performance by it of its powers and duties under this Act during that year and on its policy and programme.

36. Powers to order inquiries.—(1) The State Government, with a view to satisfy itself that the powers and duties of a Corporation established by that Government are being exercised and performed properly, may, at any time, appoint any person or persons to make inquiries into all or any of the activities of the Corporation and to report to the State Government the result of such inquiries.

(2) The Corporation shall give to the person or persons so appointed all facilities for the proper conduct of the inquiries and shall produce before, or furnish to, the person or persons any document, account or information in the possession of the Corporation which such person or persons demand for the purposes of the inquiries.

37. Power to control a part of the undertaking of a Corporation.—(1) If on receipt of the report of any inquiry held under section 36 or otherwise, the State Government is satisfied that it is necessary so to do in the public interest, the State Government may, by notification in the Official Gazette, authorise any person to take over from the Corporation, and so long as that notification is in force, to administer in accordance with such directions as may be issued from time to time by the State Government such part of the undertaking of the Corporation as may be specified in the notification, and any person so authorised may, for the purpose of so administering the said part of the undertaking, exercise all or any of the powers of the Corporation or of any officer of the Corporation under this Act, issue such directions as he thinks fit to the officers or servants of the Corporation and employ any outside agency.

(2) The State Government may by such notification direct that all charges and expenses incurred by the person so authorised together with

such remuneration as the State Government may allow from time to time to such person shall be paid within such time as may be fixed by the State Government from the fund of the Corporation, and if the expenses are not so paid, the State Government may make an order directing the persons having the custody of that fund to pay to the person so authorised such expenses in priority to any other charges against such fund and he shall, so far as the funds to the credit of the Corporation admit, comply with the order of the State Government.

38. Power to supersede a Corporation.—(1) If the State Government is of opinion that a Corporation established by that Government is unable to perform, or has persistently made default in the performance of the duties imposed on it by or under the provisions of this Act or has exceeded or abused its powers, the State Government may, with the previous approval of the Central Government, by notification in the Official Gazette, supersede the Corporation for such period as may be specified in the notification :

Provided that before issuing a notification under this sub-section the State Government shall give a reasonable time to the Corporation to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Corporation.

(2) Upon the publication of a notification under sub-section (1) superseding a Corporation—

(*a*) all the members of the Corporation shall, as from the date of supersession, vacate their offices as such members ;

(*b*) all the powers and duties which may, by or under the provisions of this Act or of any other law, be exercised or performed by or on behalf of the Corporation shall, during the period of supersession, be exercised and performed by such person or persons as the State Government may direct ;

(*c*) all property vested in the Corporation shall, during the period of supersession, vest in the State Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the State Government may—

(*a*) extend the period of supersession for such further term as it may consider necessary ; or

(*b*) reconstitute the Corporation in the manner provided in Section 5.

39. Liquidation of a Corporation.—(1) No provision of any law relating to the winding up of companies or corporations shall apply to a Corporation, and no Corporation shall be placed in liquidation save by order of the State Government concerned and save in such manner as may be directed by that Government :

Provided that no such order shall be made by any State Government except with the previous approval of the Central Government.

(2) In the event of a Corporation being placed in liquidation, the assets of the Corporation, after meeting the liabilities, if any, shall be divided among the Central and the State Government and such other parties, if any, as may have subscribed to the capital in proportion to the contribution made by each of them to the total capital of the Corporation.

40. Compensation for acquisition of road transport undertakings.—Whenever a Corporation acquires under this Act the whole or any part of any undertaking, there shall be paid by the Corporation compensation the amount

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of which shall be determined in the manner and in accordance with the procedure hereinafter set out, that is to say,—

(*a*) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement ;

(*b*) where no such agreement can be reached, the amount shall be determined by an arbitral tribunal consisting of one nominee of the Corporation, one nominee of the person to be compensated, and a Chairman to be nominated by the Chief Justice of the High Court exercising jurisdiction in relation to the State concerned ;

(*c*) an appeal shall lie to the High Court against the decision of the tribunal and the order of the High Court on such appeal shall be final.

41. Corporation to be deemed to be a local authority and provision as to third party risks.—(1) A Corporation shall be deemed to be a local authority within the meaning of the Motor Vehicles Act, 1939 (IV of 1939).

(2) The State Government may, by notification in the Official Gazette, exempt the motor vehicles of a Corporation from the operation of the provisions of Chapter VIII of the Motor Vehicles Act, 1939 :

Provided that no such notification shall be issued unless a fund has been established and is maintained by the Corporation in accordance with the rules made in that behalf under this Act for meeting any liability arising out of the use of any vehicle of the Corporation which the Corporation or any person in the employment of the Corporation may incur to third parties.

42. Power of entry.—Whenever it is necessary for a Corporation to carry out any of its works or to make any survey, examination or investigation, preliminary or incidental to the exercise of powers or the performance of duties by the Corporation under this Act, any officer or servant of the Corporation generally or specially empowered by the Corporation may, with the previous permission of the district magistrate, enter upon any land or premises between sunrise and sunset, after giving reasonable notice of the intention to make such entry to the owner or occupier of such land or premises, and at any other time, with the consent in writing of the owner or occupier of such land or premises, for the purpose of the carrying out of such works or the making of such survey, examination or investigation.

43. Members, officers and servants of a Corporation to be public servants.—All members of a Corporation, and all officers and servants of a Corporation, whether appointed by the State Government or the Corporation, shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act or of any other law, to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

44. Power to make rules.—(1) The State Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the conditions and manner of appointment of members of a Corporation, the representation in the Corporation of the Central and the State Government, and where shares are issued to other parties under sub-section (3) of section 23, of such shareholders, and generally all matters relating to the constitution of the Corporation ;

(*b*) remuneration, allowances or fees to be paid to the members of the Corporation or other persons associated with the Corporation under section 10 ;

(*c*) the term of office of, the manner of filling casual vacancies among, members of the Corporation ;

(*d*) the number of members necessary to constitute a quorum at a meeting of the Corporation ;

(*e*) the conditions of appointment and service and the scales of pay of the Chief Executive Officer or General Manager and the Chief Accounts Officer of the Corporation ;

(*f*) the number and term of office of, the allowances to be paid to, the procedure to be followed by, and the manner of filling casual vacancies among, members of an Advisory Council ;

(*g*) the manner in which the shares of the Corporation shall be allotted, transferred or redeemed ;

(*h*) the mannar in which the net profits of the Corporation shall be utilised ;

(*i*) the date by which, and the form in which, the budget shall be prepared and submitted in each year under sub-section (1) of section 32 ;

(*j*) the forms and the manner in which the accounts of the Corporation shall be maintained ;

(*k*) the time at which, and the manner in which, the accounts of the Corporation shall be audited ;

(*l*) the form in which the returns, statistics or reports shall be submitted under section 35 ;

(*m*) the procedure to be followed by an arbitral tribunal under section 40 ;

(*n*) any other matter which has to be, or may be, prescribed.

45. Power to make regulations.—(1) A Corporation may, with the previous sanction of the State Government, make regulations, not inconsistent with this Act and the rules made thereunder, for the administration of the affairs of the Corporation.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :—

(*a*) the manner in which, and the purposes for which, persons may be associated with the Corporation under section 10 ;

(*b*) the time and place of meetings of the Corporation and the procedure to be followed in regard to transaction of business at such meetings ;

(*c*) the conditions of appointment and service and the scales of pay of officers and servants of the Corporation other than the Chief Executive Officer or General Manager and the Chief Accounts Officer.

46. Penalty for breach of rules.—The State Government may, by rule, provide that the breach of any rules made by it under section 44 shall be punishable with fine which may extend to five hundred rupees, and when the breach is a continuing one, with a further fine not exceeding twenty rupees for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

47. Special provisions relating to Bombay.—(1) The body known as the Bombay State Road Transport Corporation and the Board thereof, referred to in the notification of the Government of Bombay, No. 1780/5, dated the 16th November, 1949 (hereinafter referred to as "the existing Corporation" and "Board" respectively) shall, notwithstanding any defect in, or invalidity of, the enactment or order under which they were constituted, be

deemed for all purposes to have been validly constituted as if all the provisions of the said notification had been included and enacted in this section and this section had been in force continuously on and from the said date, and accordingly—

(*a*) all action by, and all transactions with, the existing Corporation or Board, including any action or transaction by which any property, asset or right was acquired or any liability or obligation, whether by contract or otherwise, was incurred, shall be deemed to have been validly and lawfully taken or done ; and

(*b*) no suit, prosecution or other legal proceeding shall lie against the Government of Bombay or any member of the Board or any officer or servant of the existing Corporation in respect of any action taken by, or in relation to the setting up of, the existing Corporation or Board merely on the ground of any defect in, or invalidity of, the enactment or order under which the existing Corporation or Board was constituted.

(2) On the establishment of a Corporation under section 3 in the State of Bombay (hereinafter referred to as "the new Corporation"),—

(*a*) the existing Corporation and Board shall be deemed to be dissolved and shall cease to function ;

(*b*) all property and assets vesting in the existing Corporation shall vest in the new Corporation ;

(*c*) all rights, liabilities and obligations of the existing Corporation, whether arising out of any contract or otherwise, shall be the rights, liabilities and obligations, respectively, of the new Corporation ; and

(*d*) all licenses and permits granted to, all contracts made with, and all instruments executed on behalf of, the existing Corporation or Board shall be deemed to have been granted to, made with, or executed on behalf of, the new Corporation and shall have effect accordingly.

48. Repeal of Act XXXII of 1948.—The Road Transport Corporations Act, 1948 (XXXII of 1948) is hereby repealed.

K. V. K. SUNDARAM,
Secretary to the Government of India.

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PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS, UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 570—Legis. 5-51-8, dated Bangalore, 14th June 1951.

Ordered that the accompanying S. R. O. No. 682 dated the 27th April 1951 of the Joint Chief Claims Commissioner under the Displaced Persons (Claims) Act, 1950 amending the Displaced Persons (Verification of Claims) Rules, 1950 published in the *Gazette of India*, Part II, Section 3, dated the 12th May 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

(Office of the Chief Claims Commissioner.)

Delhi the 27th April 1951.

S.R.O.682.—In exercise of the powers conferred by section 16 of the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), the Central Government hereby directs that the following amendment shall be made in the Displaced Persons (Verification of Claims) Rules, 1950 :—

In Rule 22 of the said Rules the following words shall be added at the end, namely :—

"Claims Commissioner, Joint Chief Claims Commissioner, Chief Claims Commissioner or any other revisional authority."

[No. 2(6)/CCC/G-50.]

S. B. CAPOOR, Joint Chief Claims Commissioner
and Joint Secy.

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NOTIFICATION.

No. L. D. 571—Legis. 5-51-9, dated Bangalore, 14th June 1951.

Ordered that the accompanying S.R.O. No. 683 dated the 3rd May 1951 of the Ministry of Rehabilitation under the Administration of Evacuee Property Act, 1950 published in the *Gazette of India*, Part II, Section 3, dated the 12th May 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION.

New Delhi, the 3rd May 1951.

S.R.O. 683.—In exercise of the powers conferred by clause (e) of sub-section (3) of section 56 of the Administration of Evacuee Property Act, 1950 (No. XXXI of 1950), the Central Government hereby notifies that the books of accounts maintained by the Custodians of Evacuee Property will be audited by the Comptroller and Auditor-General of India in such manner as may be prescribed by him in this behalf from time to time.

[No. F. 36(2)/51-Property.]

KAILASH CHANDRA, Under Secy.

NOTIFICATION.

No. C. 500/Co—40-50-51, dated Bangalore, 18th June 1951.

Ordered that the accompanying Notification No. 3 (1) P. C./50 dated the 5th June 1951 of the Government of India, Ministry of Commerce and Industry under the Supply and Prices of Goods Act, 1950 (LXX of 1950), be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 5th June 1951.

No. 3 (1) P. C./50.—In exercise of the powers conferred by section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the late Ministry of Industry and Supply, No. S.R.O. 499, dated the 2nd September, 1950, in so far as it relates to the fixation of maximum prices of cycles, namely :—

For the Schedule annexed to the said notification, the following schedule shall be substituted :—

SCHEDULE.

Goods	Maximum retail price
BICYCLES.	
A. Hind Cycles.	
(1) Gent's—22″ or 24″ single bar ...	Rs. 142 per cycle
(2) Gent's—22″ or 24″ double bar ...	Rs. 147 per cycle
(3) Lady's—curved bar	Rs. 142 per cycle
(4) Juvenile—20″	Rs. 152 per cycle
B. All other makes.	The price prevailing on the 15th of June 1950 in the locality where the dealer or producer is carrying on business.

Provided that—

(1) The maximum price for Hind Cycles is exclusive of the cost of saddle and accessories such as stand, carrier, tool box and light.

(2) The maximum price of Hind Cycle at places other than at Bombay may exceed by a sum equal to the amount of freight by goods train paid by a dealer from Bombay to the place of sale.

(3) The maximum price specified in column (2) is exclusive of local taxes such as sales tax, octroi, etc., which may be charged extra.

S. K. DUTTA,
Deputy Secretary to the Government of India.

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PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

No. L. D. 592—L. A. 20-51-2, dated the 16th June 1951.

In exercise of the powers conferred by Article 186 read with clause (8) of Article 238 of the Constitution of India, His Highness the Rajpramukh of Mysore is pleased to direct the payment of an allowance of One Hundred and Twelve Rupees and eight annas to the Hon'ble Speaker of the State Legislative Assembly, in connection with the charges for conveyances during his visit to New Delhi during the month of April 1950.

JAYA CHAMARAJA WADIYAR,
RAJPRAMUKH OF MYSORE.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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BANGALORE, MONDAY, JUNE 25, 1951.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

No. E.B. 1241—Eln., 25-50-8, Bangalore, dated 23rd June 1951.

In exercise of the powers conferred by clause (*b*) of sub-section (3) of section 27 of the Representation of the People Act, 1950 (Central Act XLIII of 1950), His Highness the Maharaja of Mysore is pleased to specify with the concurrence of the Election Commission, the following educational institutions within the State to be educational institutions not lower in standard than that of a Secondary School for the purpose of elections to the Legislative Council of Mysore in the Teachers' Constituencies :—

1. All Government High Schools and Government Middle Schools (including New Type Middle Schools).
2. High Schools and Middle Schools recognised temporarily or permanently by the Director of Public Instruction.
3. Arts, Science, Professional and Technical Colleges of the University of Mysore, including Intermediate Colleges and the Medical School, Bangalore.

4. Arts, Science, Professional and Technological Colleges, Institutions and Intermediate Colleges affiliated to the University of Mysore, including the Government Agricultural School, Hebbal, School of Engineering, Bangalore and the National Institute of Engineering, Mysore.
5. All Sanskrit Colleges recognised by the Government or the Department of Public Instruction.
6. Training Colleges for Men and Women of the Department of Public Instruction or recognised by the Department of Public Instruction.
7. Commercial Schools recognised by the Department of Public Instruction.
8. Government Occupational Institutes or Occupational Institutes recognised by the Government.
9. Industrial Schools under the management of the Department of Industries.
10. Agricultural Schools.
11. Chamarajendra Technical Institute, Mysore.
12. Vocational Institute for Women, Mysore.
13. School for the Deaf and Blind, Mysore.
14. Sanskrit Schools of and above the Kavya Standard.
15. Music Schools recognised by the Department of Public Instruction.
16. Physical Culture Institutions recognised by the Department of Public Instruction.
17. Fine Arts Institutions recognised by the Department of Public Instruction.
18. Weaving Schools recognised by the Department of Public Instruction.
19. Institutions teaching Hindi of and above the Madhyama Standard, recognised by the Department of Public Instruction.
20. The Basic Training School at Vidyanagar and Kengeri Gurukulashrama.
21. Higher Elementary Schools (Civil Area).
22. Government Ayurvedic and Unani College.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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BANGALORE, TUESDAY, JUNE 26, 1951.

PART IV

Section 2-A

MYSORE BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. L.D. 632—Legis. 36-51-1, dated Bangalore, the 26th June 1951.

Ordered that the accompanying Mysore Minor Municipalities (Amendment) Ordinance, 1951, which was promulgated by the Rajpramukh of Mysore on the 20th day of June 1951, be published as Mysore Ordinance No. I of 1951, in the *Mysore Gazette* for general information.

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MYSORE ORDINANCE No. I OF 1951.

THE MYSORE MINOR MUNICIPALITIES (AMENDMENT) ORDINANCE, 1951.

(Promulgated by the Rajpramukh of Mysore on the 20th day of June 1951).

An Ordinance further to amend the Mysore Minor Municipalities Act, 1933.

Preamble.

WHEREAS the Mysore Legislative Assembly is not in session and the Rajpramukh of Mysore is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Mysore Minor Municipalities Act, 1933, (Mysore Act IX of 1933), for the purpose hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 read with Article 238 of the Constitution of India, the Rajpramukh of Mysore is pleased to promulgate the following Ordinance :—

Short title and commencement.

1. (1) This Ordinance may be called the Mysore Minor Municipalities (Amendment) Ordinance, 1951.

(2) It shall come into force at once.

Amendment of section 12 of Mysore Act IX of 1933.

2. In section 12 of the Mysore Minor Municipalities Act, 1933, for the words "four years" the words "four years and six months" shall be substituted.

JAYA CHAMARAJA WADIYAR,

Rajpramukh of Mysore.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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(EXTRAORDINARY)

BANGALORE, WEDNESDAY, JUNE 27, 1951.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. E. 2818—Uni. 80-48-5, dated Bangalore, 25th June 1951.

Whereas the term of the Senate, the Council, the Academic Council, the Faculties and other University Authorities constituted in the official year 1948-49 under the Mysore University Act, 1933, (Mysore Act III of 1933), expires after a period of three years;

And whereas it is proposed to reorganise the University of Mysore under a new law to be enacted for this purpose and as it is expedient to reconstitute the said University Authorities after the enactment of the said law;

Now, therefore, in exercise of the powers conferred by sub-section (3) of Section 19 of the Mysore University Act, 1933 (Mysore Act III of 1933 as amended by Mysore Act XXIII of 1951), His Highness the Maharaja of Mysore is pleased to extend for a period of one year the term of the following University Authorities, namely:—

1. The Senate.
2. The Council.
3. The Academic Council.
4. The Faculties constituted from among the members of the Academic Council.

By Order of His Highness the Maharaja,

A. C. NIRVANI GOWDA,
Secretary to Government,
Education Department.

PART IV

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Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. L S. 1175—L.W. 74-51-1, dated Bangalore, the 25th June 1951.

The following Draft of the Mysore Labour Housing Rules, 1951, which it is proposed to make in exercise of the powers conferred by section 47 of the Mysore Labour Housing Act, 1949, (Mysore Act XXVIII of 1949), is hereby published for the information of all persons likely to be affected thereby as required by the said section.

Notice is hereby given that the draft will be taken into consideration after the expiry of *one month* from the date of its publication in the *Mysore Gazette*.

Objections or suggestions, if any, to the draft rules may be forwarded to the Secretary to Government, Law Department, Bangalore, through the Commissioner of Labour in Mysore, Bangalore, for consideration of Government so as to reach him within the aforesaid period.

Draft Rules under the Mysore Labour Housing Act, 1949.

CHAPTER I.

Short title and commencement.

1. (1) These Rules may be called the Mysore Labour Housing Rules, 1951.

(2) They shall come into force on the 1st day of.....1951.

Definitions:

2. (1) In these Rules, unless there is anything repugnant in the subject or context—

(*a*) "Act" means the Mysore Labour Housing Act, 1949 (Mysore Act XXVIII of 1949);

(*b*) "Chairman" means the Chairman of the Corporation;

(*c*) "Form" means a form appended to these Rules;

(*d*) "Government" means the State Government;

(*e*) "Inspector" means an Inspector appointed under Section 57 of the Act;

(*f*) "Officer" means an Officer of the Corporation appointed under Section 8 of the Act;

(*g*) "Schedule" means a Schedule to these Rules;

(*h*) "Year" means the official year, that is to say the period beginning from the 1st day of April and ending with the 31st day of March of the year following;

(2) Expressions not defined in these Rules shall have respectively the meaning assigned to them in the Act.

CHAPTER II.

Maintenance of a register of contributions and rents.

3. (1) Every employer shall maintain a Register in respect of every employee whose monthly income does not exceed on an average Rs. 125 and in respect of whom contribution is payable by the employer.

(2) The Register to be maintained under sub-rule (1) shall be in form A and shall be verified and initialled in respect of each entry at the close of every month by the Officer or the Inspector authorised for the purpose.

Register of deduction from wages for rent paid by employer.

4. The Employer shall maintain a Register in form B showing details of all deductions made under Sub-Section (5) (ii) of section 27 of the Act, which shall be verified and duly signed by an Officer or Inspector in respect of each entry at the close of every month.

Manner of payment of contributions and rents.

5. All contributions and rents paid shall be remitted to the Corporation by postal money order or by credit to a treasury authorised to receive payments.

Refunds.

6. Any refund of contribution or rent claimed and admitted shall be noted in the registers prescribed under rule 3 and shall be duly attested by an Officer or Inspector.

Standard of accommodation.

7. (1) (*a*) When an employer provides housing accommodation for his employees after the commencement of the Act, the size of each building shall be in accordance with the statement in Schedule. The housing accommodation shall be provided in areas free from malaria or any other insanitary condition prejudicial to public health.

(*b*) Each unit of labour houses shall consist of a front verandah with a pial, a hall, a bed room, a kitchen, a bath and a lavatory. The total plinth area shall be not less than 400 sq. feet.

(*c*) Every house shall have a small compound with open space either in front or behind.

(2) (*a*) The houses built shall be in accordance with the specifications specified in Schedule B.

(*b*) The nature and type of the houses provided shall have reference to the income groups of the employees specified in the statement in Schedule "A".

(3) Such accommodation shall be subject to inspection by the Corporation Officer and the Employer shall comply with such directions in respect of the maintenance of accommodation as such Officer may give.

CHAPTER III.

Constitution of the Corporation :

8. (1) The Corporation shall consist of the following members, namely :—

(*a*) Five persons representing the Government nominated by the Government ;

(*b*) Five persons representing employers nominated by the Government in consultation with such organisations of employers as may be recognised for the purpose by the Government ;

(*c*) Five persons representing employees nominated by the Government in consultation with such organisations as may be recognised for the purpose by the Government.

(2) At least one of the members shall be a woman and one of the members shall be the Chairman of the Corporation.

(3) The Chairman shall be appointed from among the members of the Corporation by the Government.

Chief Executive Officer :

9. The Chairman of the Corporation shall be the Chief Executive Officer of the Corporation.

Appointment of Secretary.

10. The Chairman may with the approval of Government appoint any Gazetted Officer of the status of an Assistant Commissioner of Labour to be the Secretary of the Corporation.

Duration of Office of members.

11. The members of the Corporation shall hold office for a period of three years commencing from the date of which their nomination is notified :

Provided that any member or members of the Corporation shall, notwithstanding the expiry of the period of four years, continue to hold office until the nomination of the successor or successors is notified.

Re-nomination for membership ;

12. An outgoing member of the Corporation shall be eligible for re-nomination for the membership of the Corporation.

Duration of office of member nominated in casual vacancy:

13. A member of the Corporation nominated in a casual vacancy shall hold office only so long as the member in whose place he is nominated, would have been entitled to hold office if the vacancy had not occurred.

Resignation of members:

14. A member of the Corporation may resign his office by notice in writing to the Government and his seat shall fall vacant on the acceptance of his resignation by the Government.

Filling up of Casual Vacancies:

15. Whenever a Casual Vacancy occurs by reason of death, resignation or removal of a member, the Government shall nominate another person to fill the vacancy in the same manner as it nominated the member by whose death, resignation or removal the vacancy occurred.

Cessation of membership:

16. A member of the Corporation shall cease to be a member thereof if he fails to attend three consecutive meetings thereof, or commits such act or acts as would appear to the Chairman to constitute a sufficient reason to recommend to the Government his removal and the Government by order in writing removes such member from membership.

Meetings of the Corporation:

17. (1) The corporation shall meet at least four times each year.

(2) The Chairman may, whenever he thinks fit, and shall within fifteen days of the receipt of a requisition in writing from not less than one half of the members of the Corporation, call a meeting.

(3) Any requisition made under this rule shall specify the object of the meeting proposed to be called for.

Roll of members:

18. (1) The Corporation shall maintain a roll of members separately for the Corporation and for each Local Committee. The name and address of each member shall be stated therein.

(2) If a member changes his address he shall intimate such change by registered post to the Corporation for the correction of his address in the Roll.

Notice of meetings and list of business:

19. (1) The Chairman shall decide the date, time and place of every meeting. A notice of not less than 10 days shall ordinarily be given of each meeting to every member of the Corporation. Such notice may be sent to every member by or in any other suitable manner by post. A list of business proposed to be transacted shall be sent along with the notice. Brief notes on each item of the

agenda shall be sent along with the agenda or as soon thereafter as possible. If it is necessary to convene an emergent meeting, at least one week's notice thereof shall be given to every member.

(2) No business other than that for which a meeting is convened shall be considered at any meeting, except with the permission of the Chairman of the meeting.

Chairman of the meeting:

20. The Chairman of the Corporation shall preside at the meetings. In the absence of the Chairman the members present at the meeting may elect one amongst themselves to preside at the meeting.

21. (1) The proceedings of each meeting indicating *inter alia* the names of the members present thereat, and a report of the business transacted thereat shall be forwarded to each member of the Corporation and to the Government as soon after the meeting as possible and in any case not later than four weeks after the meeting.

(2) The minutes of each meeting shall be confirmed, with such modifications as may be considered necessary, at the next meeting.

Minute Book:

22. (1) The minutes of a meeting of the Corporation shall be kept in a separate Book (hereinafter referred to as the minute book) and shall be signed by the Chairman and the members present at the meeting at which the minutes are confirmed.

(2) A copy of the minutes so confirmed shall be forwarded to Government within 15 days from the date of such confirmation.

(3) The minute book shall be kept open at the Principal Office of the Corporation during office hours on working days for inspection free of charge by any member of the Corporation.

Fees and allowances to members:

23. No member shall be paid any salary but shall be allowed the same rates of travelling allowances and daily allowances as are payable to the members of the Legislative Assembly.

Decisions pertaining to policy:

24. All decisions pertaining to questions of policy shall be taken at meetings of the Corporation previous notice of which shall be sent to the members.

Differences of opinion among members:

25. (1) In case of any difference of opinion votes shall be taken and the opinion of the majority shall prevail.

(2) In the case of equality of votes, the Chairman shall have a casting vote.

Quorum.

26. For every meeting the quorum shall be one half of the number of total members of the Corporation, but no quorum shall be necessary for an adjourned meeting to consider the same agenda.

Local Committees:

27. (1) The Local Committees shall consist of representatives of employees and employers of the local area concerned and of the Government with a Chairman nominated by the Corporation. The local area shall be the revenue district.

(2) The number of representatives of employees and employers and their proportion shall be determined by the Corporation with the approval of the Government.

(3) The rules governing the conduct of the Corporation with regard to vacancies, meetings, voting and quorum shall *mutatis mutandis* apply in respect of the Local Committees.

General powers of the Officers of the Corporation :

28. (1) Every Officer appointed by the Corporation shall have power to supervise the collection of the contribution under section 3 of the Act and of the rent payable under sub-section (3) of section 27 of the Act.

(2) For the purpose of exercising his powers and performing his duties, every Officer may, after giving reasonable notice, enter any place used for the purpose of any industry or the dwelling place of any employee and shall be entitled to call for and inspect all relevant documents which are necessary for the due discharge of his duties and powers under this Act.

Duty of Officers of the Corporation :

29. It shall be the duty of every Officer to bring to the notice of the Corporation any breaches in respect of section 3 and sub-section (4) of section 27 of the Act.

Conditions of service :

30. The conditions of service under the Corporation other than those appointed under section 8 of the Act shall be specified in the Regulations to be framed by the Corporation in this behalf.

Contracts :

31. (1) The Corporation may enter into and perform all such contracts as it may consider necessary or expedient for carrying into effect the purposes of the Act.

(2) Every contract made under or for any purpose of the Act, shall be made on behalf of the Corporation by the Chairman or subject to such conditions as he may specify, by such member or such officer or officers as may be authorised in this behalf by the Corporation.

(3) Every contract entered into by any person or persons as provided by sub-rule (2) shall be entered into

in such manner and form as would bind such person if it were made on his own behalf and may in like manner and form be varied or discharged :

Provided that the common or official seal, as the case may be, of the Corporation shall be affixed to every contract.

Seal.

32. (1) The common seal of the Corporation shall remain in the custody of the Chairman and shall not be affixed to any instrument except in the presence of the Chairman or two members of the Corporation, and the Chairman, or the said two members shall sign the instrument in token of the fact that the same was sealed in their presence.

(2) The Corporation shall have for use at each of such other of its offices as it may specify an official seal which shall be a facsimile of the common seal of the Corporation with the addition of the name of the Office where it is to be used.

(3) The official seal shall not be affixed to any instrument except in the presence of such person or persons as the Corporation may authorise in this behalf and such person or persons shall sign the instrument in token of the fact that the same was sealed in his or their presence.

(4) An instrument to which an official seal is duly affixed shall bind the Corporation as if it has been affixed with the common seal of the Corporation.

Acquiring or disposal of moveable or immoveable property.

33. The *Corporation* shall not sell or acquire moveable or immoveable property unless authorised by a decision of the Corporation taken at a meeting thereof :

Provided that sanction of the Government shall be required for the exchange of any immoveable property or for the taking of any property on lease for a term exceeding twelve months or for the acceptance of any gift or bequest of property burdened by obligation :

Provided also that sanction of the Government shall be required for disposing of by sale or otherwise, any moveable or immoveable property belonging to the Corporation the value of which exceeds ten thousand rupees in each case or the grant for any term exceeding twelve months of a lease of any immoveable property belonging to the Corporation.

Publication of notice *re* : acquisition or disposal of property.

34. In the case of any major transaction regarding the acquisition, or disposal of property by the Corporation, a notice to that effect shall be published in the *Mysore*

Gazette and the transaction completed only after scrutiny of objections received within the specified period announced in such notice.

Raising and repayment of loans.

35. (1) The Corporation may in pursuance of a resolution adopted at a meeting, and with the previous sanction of the Government, raise loans from the Government, the Reserve Bank of India, the Imperial Bank of India or the Bank of Mysore, Ltd., for the purposes of the Act.

(2) Where a loan is obtained from any Bank specified in sub-rule (1), the Corporation may, with the approval of the Government, mortgage all or any of the properties vesting in the Corporation as security for the repayment of the sums taken as loan with the interest thereon.

(3) All payments due from the Corporation for interest on and repayment of loans shall be made in such manner and at such times as may have been agreed to in the instrument:

Provided that the Corporation may apply any sums which can be so applied, in repaying any amount due in respect of the principal of any loan although the repayment of the same may not be due.

(4) No expenditure incurred out of a loan shall be charged by the Corporation to capital, except with the previous sanction (or under the direction) of the Government.

(5) The Corporation shall submit to the Government at the end of each official year an annual statement of the loans raised and repayments made during the preceding year in such form and with such particulars as the Government may specify.

CHAPTER IV.

Investment, transfer and realisation of Funds.

36. (1) All moneys belonging to the Fund which are not immediately required for expenses properly defrayable under the Act may, subject to the approval of the Corporation, be invested by the Chairman in Government of India or State Government securities or as fixed deposits in the State Government Savings Bank.

(2) Moneys belonging to the Fund shall not be invested in any other manner except with the previous approval of the Government.

(3) Any investment made under this rule may, subject to the provisions of sub-rules (1) and (2) be varied, transposed or realised from time to time:

Provided that if such variations, transpositions or realisations are likely to result in loss, the prior approval of the Government shall be obtained.

(4) The Government may, at any time, by order in writing direct the vacation in part or in whole, or prohibit investment in any security or class of securities or any land or building, and the Corporation shall be bound to comply with such order.

(5) All dividends, interest or other sums received in respect of any investment shall, as soon as possible after receipt, be paid into or credited to the account of the Fund.

(6) The expenses of or the loss, if any, arising from any investment shall be charged to the Fund and the profit, if any, from the sale of any investment shall also accrue to the Fund.

(7) The approval under sub-rules (1) and (2) of the Government may be given with or without any conditions either generally or in any particular case.

Statements of amounts deposited in and withdrawn from Banks.

37. The Bank or Banks maintaining an account for the Fund shall be required at the end of every calendar month to furnish the Corporation or such Officer as may be authorised by it in this behalf a statement, in Form C, of the amounts deposited in and withdrawn from the Fund during the month.

Provident Fund.

38. The Corporation shall establish, maintain and contribute to a Provident Fund called the "Mysore Labour Housing Corporation Provident Fund" (hereinafter referred to as the Provident Fund) in respect of its employees other than those placed at the disposal of the Corporation by the Government.

Administration of the Provident Fund.

39. The Provident Fund shall be administered by the Corporation or any Committee thereof approved by the Corporation for the purpose and subject to such conditions as the Corporation may impose.

Manner of payments out of the Fund.

40. (1) Any payment out of the Fund shall be made by cheque or letter of authority duly signed by the Chairman or any Member of the Corporation authorised by the Corporation or an Officer appointed by the Corporation and authorised by it in this behalf:

Provided that payment of salaries to the employees of the Corporation drawing a basic salary not exceeding two hundred and fifty rupees a month may be made in cash.

(2) No payment shall be made out of the Fund unless the expenditure is covered by a current budget grant.

Circumstances in which cheques may be drawn.

41. Before any person authorised under rule 40 signs a cheque, he shall satisfy himself that the cheque drawn is—

(i) required for a purpose or work specifically sanctioned by proper authority and covered by a current budget grant; and

(ii) required for any payment referred to and specified in section 18 of the Act.

Maintenance of accounts.

42. The Corporation shall maintain complete and accurate accounts of all transactions in the manner specified below:—

(1) The accounts of the revenue of Corporation shall be maintained in Form 'D'.

(2) The accounts of the expenditure of the Corporation shall be maintained in Form 'E'.

(3) A complete account of expenditure incurred in respect of the various measures specified in section 11 of the Act shall be maintained in Form 'F'.

(4) A detailed account of all gifts, donations or grants shall be maintained by the Corporation in Form 'G'.

(5) The Corporation shall maintain accounts in respect of any other matter in such form as may be approved by the Government from time to time.

Audit of accounts of the Corporation.

43. (1) All accounts of the Corporation maintained in accordance with rule 42 shall be produced before the Auditors authorised to scrutinise them.

(2) The accounts of the Corporation shall be audited every year.

(3) The Government shall, as soon after the close of each official year as possible, appoint auditors to audit the accounts for the official year thus ended and shall notify their appointment to the Corporation and in the *Mysore Gazette*.

Powers of Auditors.

44. The Corporation shall submit all accounts to the Auditors as required by them. The Auditors may by written notice, require the production before them or before any Officer subordinate to them, of any document which they may consider necessary for the proper conduct of the audit.

45. The Auditors shall report on the annual accounts to the Corporation and the Government on such date and in such form as the Government may specify in this behalf, and they shall state whether in their opinion the Balance Sheet is a full and fair Balance Sheet containing all necessary particulars and properly drawn-up so as to exhibit a true and correct view of the state of affairs of the Corporation and in case they have called for any explanation or information from the Corporation or any of its officers whether it has been given and whether it is satisfactory. Report of Auditors.

46. On receipt of the Audit Report, the Government may call upon any Member of the Corporation or any Officer thereof for such explanation or other statement as the Government may require. Power of Government to call for explanation.

47. The annual accounts and reports as adopted by the Corporation shall be authenticated by affixing the common seal of the Corporation. Authentication of annual accounts and reports.

48. The Auditors shall submit to the Corporation and the Government a separate statement, if necessary, in regard to— Impropriety or irregularity in accounts.

(*i*) any material impropriety or irregularity which they may observe in the expenditure or in the recovery of moneys due to, or in the accounts of the Corporation;

(*ii*) any loss or waste of money or other property owned by or vested in the Corporation which has been caused by neglect or misconduct with the names of the persons who in their opinion are directly or indirectly responsible for such loss or waste.

The Corporation shall forthwith remedy any defect or irregularity that may be pointed out by the Auditors and shall report to the Government the action taken by it thereon within three months of the receipt of the report of the Auditors.

49. (1) The Auditors shall, after giving the person concerned an opportunity to submit an explanation, and after considering any such explanation, disallow any item of account contrary to the provisions of the Act or of the rules or regulations made thereunder, and surcharge the same on the person making or authorising the making of payment of such account and shall charge against any person accounting, the amount of any deficiency or loss Disallowance of expenditure incurred and surcharge for loss or deficiency.

incurred by the negligence or misconduct of the said person or of any sum which ought to have been, but is not brought into account by the said person and shall, in every such case, certify the amount due from such person.

(2) The Auditors shall state in writing their reasons for every disallowance, surcharge or charge made by them and shall serve a certificate of the amount due and a copy of the reasons for their decision, on the person against whom the certificate is made and shall also furnish copies thereof to the Corporation and to the Government.

(3) The Government may on their own motion, or on a reference by the Corporation or on an application of the aggrieved person made within three months from the date of the service of a certificate, on him under sub-rule (2), pass such orders as they think fit, and the Corporation shall thereafter take action in accordance therewith within such time as may be specified by the Government.

Recovery of amounts certified to be due.

50. (1) Every sum certified to be due from any person by the Auditors or if the certificate has been modified by the Government, the sum shown to be due from such person in the modified certificate, shall be paid by such person to the Corporation within three months from the date on which he has been served with the certificate of the Auditors or within such longer period as may be allowed by the Government.

(2) Any sum or part thereof so paid or recovered, the certificate in respect of which is set aside or modified, shall as the case may require, be wholly or partly refunded to the person who paid it.

CHAPTER V.

Preparation and submission of annual budget estimates.

51. (1) The budget estimates of the Corporation for each official year shall be prepared in such form as the Government may direct from time to time and shall be submitted with the recommendations of the Chairman of the Corporation for approval at a meeting of the Corporation.

(2) A copy of the budget estimates shall be sent to each member of the Corporation at least ten clear days before the meeting of the Corporation at which these estimates are to be considered.

(3) The Corporation shall consider and approve the budget estimates with such changes as it may consider necessary.

(4) The budget estimates as passed by the Corporation shall be authenticated by affixing the common seal of the Corporation and shall be submitted to the Government not later than the first of November of the preceding year.

(5) It shall be open to the Government to make such alterations in the budget estimates as they may consider necessary before according approval.

Supplementary estimates.

52. The Corporation may cause a supplementary estimate to be prepared, if in respect of any official year further expenditure is likely to be incurred. Every such supplementary estimate shall be considered and sanctioned by the Corporation and submitted to the Government in the same manner as if it were an original annual estimate, not later than the fifteenth of February of the official year to which it relates. The provisions of Rule 51 shall, so far as may be, apply to such supplementary estimate.

Re-appropriation.

53. (1) If the Chairman finds that in the course of the year, there is likely to be an excess of expenditure over the sanctioned budget estimates under any head, he shall examine the allotment under each head of the budget estimate with the object of discovering probable savings under any other head and effecting a re-appropriation. Where such re-appropriation is feasible, he may sanction the re-appropriation subject to such conditions as may be laid down from time to time by the Government.

(2) Amounts shall not be re-appropriated to meet expenditure on a new service not contemplated in the budget estimate, except with the prior approval of the Government.

Returns.

54. The Corporation shall make returns under these rules in accordance with the regulations made by it in regard to the form in which and the period for which they shall be prepared.

Returns to be furnished by the employers.

55. Every employer shall make the following returns and send them to the Corporation or to such Officers as the Corporation may authorise in this behalf:—

(1) A list of all the houses provided by him to his employees and which have been approved by the Corporation as being in good habitable condition.

(2) The number of employees in respect of which no housing accommodation is provided for by him, and for whom he is paying the contribution as required by Section 3 of the Act.

(3) The details of the deductions made from the wages of his employees in respect of rent payable under sub-section (4) of Section 27.

(4) Any exemptions granted by the Government under sub-section (1) of Section 38 of the Act.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

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FORM "A."

Name of employee	Average monthly earnings	Prescribed contribution of employer	Date of acknowledgment of receipt by the Housing Fund	Initials of Inspecting Officer

FORM "B."

Rule 4.

Deductions made by the Employer in regard to the recovery of rent

(1) Name of the Industrial concern.....

(2) Place of location.....

(3) Postal address.....

(4) Nature of the Industry.....

(5) Month of.....195 .

Sl. No.	Name of the Employee.	Father's name.	Token No. and Department.	Amount of wages	Deduction made.	Period for which deduction is made.	Signature of the Employer.	Signature of Officer or Inspection.

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FORM "C."

Rule 54.

Statement of deposits and withdrawals of money from the Mysore Labour Housing Fund.

1. Name of the Bank.....
2. Address.....
3. Statement for the month of.....
4. Balance at the commencement of the month.....
5. Amount deposited during the month.....
6. Amount deposited by whom.....
7. Total for the month.....
8. Amount withdrawn.....
9. Amount withdrawn by whom.....
10. Balance at the end of the month.....

Manager of the Bank.

FORM "D".

Rule 60.

Statement of Revenue of the Corporation.

Statement for the month of.....

Nature of the income.	*Amount received.*
1. Grants.	
2. Gifts.	
3. Donations.	
4. Rents for the houses constructed by the Corporation.	
5. Interest on the loans granted to the employers.	
6. Return on the capital investment in respect of measures specified under Section 11 of the Act.	
7. Any other income from the property owned or acquired by the Corporation.	
8. Loans floated.	
9. Income through any other source.	
Total	

Signature of the Chief Executive Officer.

FORM "E".

Rule 60.

Statement of Expenditure of the Corporation.

Nature of the expenditure.	*Amount spent.*
1. Cost of erecting or re-erecting houses.	
2. Maintenance and repairs of the houses and of providing services and facilities connected therewith.	
3. Cost of preparing schemes and of acquiring land for building sites.	
4. Payment of grants to employers or a local authority or money in aid of any scheme drawn up for the purposes of the Act.	
5. Payment of fees and allowances to the members of the Corporation and local committees.	
6. Payment of (*a*) Salaries, (*b*) Leave and joining time allowances, gratuities and compassionate allowance, pensions contribution to the Provident Fund of Officers and servants.	
7. Expenditure in respect of officers and other services set up for enforcing the provisions of the Act.	
8. Cost of auditing the accounts of the Corporation and the valuation of assets and liabilities.	
9. Payment of any sum under any contract.	
10. Payment of any sum under any decree or order of any Court against the Corporation or in pursuance of any compromise or any settlement of any suit.	
11. Cost of any other charges of instituting or defending any Civil or Criminal proceedings arising out of any action taken under the Act.	
12. Expenditure incurred in respect of the measures referred to under Section 11 of the Act.	
13. Payment of interest on the loan floated.	
14. Expenditure in respect of the purchase of the immovable or movable property.	
Total ...	

FORM "F".

Rule 60.

Statement of accounts regarding measures specified in Section 11.

		Rs. a. p.
1.	Expenditure for the provision of gardens, playgrounds and recreational facilities ...	.....
2.	Improvement of public health and sanitation ...	.....
3.	Provision of Water Supply and facilities for washing	.....
4.	Provision of Transport to and from work ...	.....

FORM "G".

Rule 60.

Statement of Gifts, Donations or Grants—Loans.

1	Nature of the amount received—	Gifts Donations Grants or loans
2	Amount received ...	Rs. ..... (in words) Rs. .... (in figures)
3	From whom received ...	
4	If it is a loan, what is the rate of interest?	
5	Whether deposited in the Bank or Treasury?	
6	If so on what date? ...	

Chief Executive Officer.

SCHEDULE A.

Statement showing the details of four types of buildings for housing different income groups.

Particulars	Income			
	Rs. 25 to 40	Rs. 40 to 60	Rs. 60 to 100	Rs. 100 to 125
1 Built up area ...	400 s.ft.	560 s.ft.	720 s.ft.	892 s.ft.
2 Living room (Hall with dining space).	14′-9″×8′-0″	14′×9′	10′×14′	16′×10′
3 Bed room (one) ...	8′×8′	9′×9⅛′	10′×8′	11⅛′×9′
4 Bed room (two) ...	...	...	...	...
5 Kitchen ...	8′×6′	9′×9′	12′×10′	11⅛′×12¾′
6 Bath ...	8′×5′	8′×6′	5′×6⅛′	8′×7⅞′
7 Verandah ...	8′×6′	9′×5′	15′×8′ (enclosed)	16′×9′(front) 11′×5⅛′ (back)
8 Building size including courtyard, lavatory, etc.	18′×40′	20′ 30″×40′	27⅜′×33⅞′	30⅜′×38 3/8′
9 Size of site ...	30′×40′	30′×50′	40′×60′ 40′×50′	or 40′×60′

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SCHEDULE 'B.'

SPECIFICATIONS.

1. *Foundations.*—

Normal foundations depending on the nature of soil, size stone in mud 1½ ft. depth, 1½ ft. width.

2. *Basement.*—

1½ ft. brick in mud.

Basement slag ; 1: 4: 8 cement concrete 4″ thick.

3. *Superstructure.*—

Burnt brick in clay 9″ thick, Pillasters wherever necessary to take up the load.

4. *Roofing.*—

Brick-nogged terrace (for maidan places)

Suitable sloping roof either asbestos roofing or tiled roofing with junglewood rafters and reepers.

Ridge and wall places to be of teakwood.

5. *Doors and Windows.*—

Doors 3′×6½′, Teakwood frames 2½″×3″ with junglewood battened shutters.

Windows 2½′×3½′, Teakwood frame 2″×3″ with junglewood battened shutters.

6. *Flooring.*—

3″ field metal well tamped on gravel and plastered over 1: 4: 8 concrete and finished smooth.

7. *Plastering.*—

(Both interior and exterior) with lime mortar.

No. T. 1518—R.T. 14-51-4, dated Bangalore, 18th June 1951.

In exercise of the powers conferred by Sections 8 and 17 of the Mysore Motor Vehicles Taxation and Tolls Act, 1951, His Highness the Maharaja of Mysore is pleased to direct that the following Motor Vehicles belonging to the Coorg Central Public Works Department be exempted from payment of taxes and tolls leviable in Mysore under the said Act for the year 1951-52 :—

Lorry No. C. G. A. 372
Lorry No. C. G. A. 545.

By Order of His Highness the Maharaja,

No. T. 1577—R.T. 71-50-41, dated Bangalore, 20th June 1951.

In exercise of the powers conferred by Section 8 of the Mysore Motor Vehicles Taxation and Tolls Act, 1951, (Mysore Act No. XII—1951), His Highness the Maharaja of Mysore, is pleased to direct that the Motor Vehicle bearing No. MY 1840 Z which is being plied as goods passenger service between Kadur-Kalasa by Sri B. M. Lakshmana Gowda, Coffee Planter, Chikmagalur, be exempted from payment of Road Tax leviable under the said Act.

By Order of His Highness the Maharaja,

M. S. SWAMINATHAN,

Secretary to Government,
Local Self-Government Department.

No. D. 1599—I. & C. 58-51-1, dated Bangalore, 22nd June 1951.

Under Section 3 of the Mysore State Aid to Industries Act, 1951, (Mysore Act No. XX of 1951), His Highness the Maharaja of Mysore is pleased to appoint the Director of Industries and Commerce in Mysore to perform all the functions of the Director of Industries under the said Act.

By Order of His Highness the Maharaja,

R. J. REGO,

Secretary to Government,
Development Department.

No. Fl. 1833-35—S.T. 13-51-6, dated Bangalore, 23rd June 1951.

The following corrections are made in the Notification No. Fl. 851-54—S.T. 13-51-2, dated the 22nd May 1951, published in the *Mysore Gazette*, on 24th May 1951 :—

Existing.	*As corrected.*
Column 2.	
13. Kolar District No. 3.	
"Chikballapur—Revenue Taluks of Chikballapur, Sidlaghatta, Goribidanur, Bagepalli and Gudibanda."	"Kolar—Revenue Taluks of Chikballapur, Sidlaghatta, Goribidanur, Bagepalli and Gudibanda."
16. Tumkur District No. 3.	
"Madhugiri—Revenue Taluks of Madhugiri, Koratagere, Sira, Pavagada and Chicknaikanahalli."	"Tumkur—Revenue Taluks of Madhugiri, Koratagere, Sira, Pavagada and Chicknaikanahalli."

By Order of His Highness the Maharaja,

No. Fl. 1837-41—S.T. 13-51-7, dated Bangalore, 23rd June 1951.

The following correction is made in the undermentioned Notifications published in the *Mysore Gazette*, on 24th May 1951 :—

1. Notification No. Fl. 855-58—S.T. 13-51-3, dated 22nd May 1951.	Item (5)	For Sri B. M. Puttamadappa, B. Sc., please read as Sri B. M. Puttamuddappa, B. Sc.
2. Notification No. Fl. 859-62—S.T. 13-51-4, dated 22nd May 1951.	Item (17)	

By Order of His Highness the Maharaja,

M. SHAMANNA,
Secretary to Government,
Finance Department.

No. L.S. 1075—L. W. 68 51-2, dated Bangalore, 15th June 1951.

In exercise of the powers conferred by Section 7 of the Industrial Disputes (Central) Act, 1947, (Act No. XIV of 1947), His Highness the Maharaja of Mysore is pleased to constitute for a period of one year an Industrial Tribunal for the adjudication of industrial disputes in

accordance with the provisions of the said Act, and to appoint the following persons as Chairman and Members thereof :—

1. *Rajadharmaprasakta* T. Singaravelu Mudaliar, B.A., B.L., Retired Judge, High Court of Mysore. (*Chairman*)
2. Janab Mohamood Sheriff, B.A., LL.B., } *Members.*
3. Sri S. Rangaramiah, B.A., LL.B., }

The Tribunal constituted in Notification No. L. S. 675-85—L. W. 71-50-6, dated the 30th May 1950, read with Notification No. L. S. 1087—L. W. 71-50-7, dated 27th June 1950, shall continue to function for the adjudication of industrial disputes pending before it on the date of issue of this Notification.

By Order of His Highness the Maharaja,

No. E. 2478—B.R. 7-50-3, dated Bangalore, 16th June 1951.

In exercise of the powers conferred by Section 38 of the Act for the Prohibition of Beggary, 1944, (Mysore Act No. XXXIII of 1944), His Highness the Maharaja of Mysore is pleased to direct that the following amendment shall be made in the Rules for the Prohibition of Beggary, 1947, the same having been previously published in the *Mysore Gazette*, as required by Sub-section (3) of Section 38 of the said Act, namely;

1. For sub-rule (V) of rule 8 of the Rules for the Prohibition of Beggary, 1947, the following sub-rule shall be substituted, namely :—

"(V) The Chairman may delegate to the Secretary or to the Chairman, Local Relief Committee, or to the Officer-in-charge of any Centre such of his powers of control and discipline and financial powers as he deems fit, and may, at any time, withdraw any power so delegated".

By Order of His Highness the Maharaja,

No. L.S. 1154—L.W. 72-51-1, dated Bangalore, the 25th June 1951.

In exercise of the powers conferred by sub-section (1) of Section 8 of the Factories Act, 1948 (Central Act No. LXIII of 1948), His Highness the Maharaja of Mysore is pleased to appoint the Chief Adviser, Factories, and Deputy

Chief Advisers, Factories, Government of India, to be Inspectors for the purposes of the said Act, throughout the State of Mysore.

By Order of His Highness the Maharaja,

No. L.S. 1158—L. W. 72-51-2, dated Bangalore, the 25th June 1951.

In exercise of the powers conferred by sub-section (2) of Section 8 of the Factories Act, 1948 (Central Act No. LXIII of 1948) and in supersession of Notification No. L.S. 3696—L. W. 143-48-10, dated 17th January 1951, His Highness the Maharaja of Mysore is pleased to appoint the Commissioner of Labour in Mysore, Bangalore, as the Chief Inspector of Factories with jurisdiction over the whole State and to empower him to administer all the provisions of the said Act.

By Order of His Highness the Maharaja,

No. E.B. 1266—Eln. 17-50-4, dated Bangalore, the 25th June 1951.

In exercise of the powers conferred by clause (b) of Rule 2 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, and in supersession of Notification No. E.B. 869—Eln. 17-50-2, dated the 29th May 1951, His Highness the Maharaja of Mysore is pleased to appoint Sri K. P. Ramanathaiya, M.A., Deputy Commissioner, to perform the functions of the Chief Electoral Officer for the State of Mysore under the said Rules.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

No. R. 2568—L.S. 103-50-4, dated Bangalore, 19th June 1951.

In exercise of the powers conferred by the proviso to sub-section (1) of section 8 of the Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Act, 1950, (Mysore Act, XIX of 1950) His Highness the Maharaja of Mysore is pleased to exempt the following classes of trees from the operation of the said sub-section, namely, (1) Casuarina, (2) Dindiga and (3) Chigare.

By Order of His Highness the Maharaja,

No. S.R. 1731—Ex. 18-51-2, dated Bangalore, 20th June 1951.

In exercise of powers conferred by Sections 6, 7, 11, 12, 13, 15, 24 and 29 of the Mysore Excise Act, 1901, (Mysore Act V of 1901), His Highness the Maharaja of Mysore is pleased to direct that the following further amendment shall be made in the Rules for the control of preparation, possession and sale of denatured spirits in Mysore State, issued in Notification No. Fl. 4456—Ex. 103-31-8, dated 8—11th February 1933, as amended from time to time, *viz* :—

To Rule 9 of the said Rules, the following proviso shall be added :—

"Provided that no license fee shall be levied on denatured or methylated spirit issued from the Distillery at Mandya for export outside Mysore State."

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,
Secretary to Government,
Revenue Department.

No. S.D. 2205—C. 39-51-7, dated Bangalore 25th June 1951.

In exercise of the powers conferred by sub-rule (2) of Rule 81 of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 (XX of 1947), His Highness the Maharaja of Mysore is pleased to direct that the following amendment shall be made in the Notification published under No. S.D. 2760—C. 25-49-57, dated 24th July 1950 and to direct further with reference to Rule 119 of the said Rules that notice of this Order shall be given by publication in the *Mysore Gazette* :—

In the said Notification in item 1 *after sub-item* (*d*), *the following sub-item shall be added*, namely :—

"(*e*) *Mathi*":

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

NOTIFICATION.

No. L.D. 3103—Legis. 6-50-75, dated Bangalore, 18th January 1951.

Ordered that the accompanying Notification No. S. R. O. 846, dated 4th November 1950 of the Ministry of Industry and Supply under the Essential Supplies (Temporary Powers) Act, 1946, published in the *Gazette of India*, Part II, Section 3, dated the 4th November 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

GAZETTE OF INDIA.

PART II—Section 3.

NOTIFICATION.

November 4th, 1950.

S.R.O. 846.—In exercise of the powers conferred by Section 4 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the powers conferred on it by sub-section (1) of section 3 of the said Act to provide for matters specified in clauses (*c*), (*d*), (*e*), (*f*), (*g*), (*h*), (*i*), and (*j*) of sub-section (2) thereof shall, in relation to Cotton textiles, be exercisable also by the Government of any Part B State, subject to the condition that no order made by such Government in the exercise of the aforesaid powers shall have effect in so far as it is repugnant to any order made under the said sub-section (1) by the Central Government.

[No. 9 (12)-Tex. I/50.]

B. K. KAUL, Dy. Secy.

NOTIFICATION.

No. L.D. 3111—Legis. 6-50-74, dated Bangalore, 19th January 1951.

Ordered that the accompanying Notification No. PC-2 (14)/50, dated 30th December 1950 of the Ministry of Industry and Supply, regarding delegation of powers under the Supply and Prices

of Goods Act, 1950, be republished in the *Mysore Gazette*, tor general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF INDUSTRY AND SUPPLY.

NOTIFICATION

No. PC-2 (14)/50, New Delhi, dated the 30th December 1950.

In exercise of the powers conferred by sub-section (1) of section 16 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government is pleased to authorise the Assistant Controller of Civil Supplies (General), the Assistant Controller of Civil Supplies (Textiles), the Enforcement Officer, Bangalore Division and the Enforcement Officer, Mysore Division to exercise within their respective jurisdictions in the State of Mysore the powers conferred by the said sub-section.

ORDER.

Ordered that a copy of the above notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir), all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director-General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

Ordered also that it be published in the *Gazette of India*.

K. RAM, Dy. Secy

Printed by the Director of Printing, Stationery and Publications
at the Government Press, Bangalore.

NOTIFICATION.

No. H. B. 9961—Ptl. 22-50-5, dated Bangalore, 25th January 1951.

Whereas in exercise of the powers conferred by clause (1) of Article 258 of the Constitution, the President is pleased to entrust to the Government of Mysore, the functions of the Central Government under the Foreigners Order, 1948, in Government of India, Ministry of Home Affairs Notification No. 9/5/48-F. II, dated the 30th October 1950.

Now therefore in exercise of the powers conferred by sub-clause (2) of clause 2 of the Foreigners Order, 1948, His Highness the Maharaja of Mysore is pleased to appoint the Inspector-General o Police in Mysore, Bangalore as the "Civil authority" for the Mysore State for the purposes of the said Order.

By Order of His Highness the Maharaja,

K. SRINIVASAN,
Chief Secretary to Government.

NOTIFICATION.

No. L.D. 638—Legis. 4-51-30, dated Bangalore, 27th June 1951.

Ordered that the accompanying Constitution (First Amendment) Act, 1951, published in the *Gazette of India*, Part II, Section 1, dated the 18th June 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LAW.

New Delhi, the 18th June 1951.

The following Act of Parliament received the assent of the President on the 18th June, 1951 and is hereby published for general information :—

THE CONSTITUTION (FIRST AMENDMENT) ACT, 1951.

An Act to amend the Constitution of India.

[18*th June*, 1951]

BE it enacted by Parliament as follows :—

1. **Short Title.**—This Act may be called the Constitution (First Amendment) Act, 1951.

2. **Amendment of article 15.**—To article 15 of the Constitution, the following clause shall be added :—

"(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

3. Amendment of article 19 and validation of certain laws.—(*1*) In article 19 of the Constitution,—

(*a*) for clause (*2*), the following clause shall be substituted, and the said clause shall be deemed always to have been enacted in the following form, namely :—

"(*2*) Nothing in sub-clause (*a*) of clause (*1*) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence,";

(*b*) in clause (*6*), for the words beginning with the words "nothing in the said sub-clause" and ending with the words "occupation, trade or business", the following shall be substituted, namely :—

"nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to,—

(i) the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or

(ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise."

(*2*) No law in force in the territory of India immediately before the commencement of the Constitution which is consistent with the provisions of article 19 of the Constitution as amended by sub-section (*1*) of this Section shall be deemed to be void, or ever to have become void, on the ground only that, being a law which takes away or abridges the right conferred by sub-clause (*a*) of clause (*1*) of the said article, its operation was not saved by clause (*2*) of that article as originally enacted.

Explanation.—In this sub-section the expression "law in force" has the same meaning as in clause (*1*) of article 13 of the Constitution.

4. Insertion of new article 31A.—After article 31 of the Constitution, the following article shall be inserted, and shall be deemed always to have been inserted, namely :—

"31A, *Saving of laws providing for acquisition of estates, etc.*—(*1*) Notwithstanding anything in the foregoing provisions of this Part, no law providing for the acquisition by the State of any estate or of any rights therein or for the extinguishment or modification of any such rights shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by, any provisions of this Part:

Provided that where such law is a law made by the Legislature of a State, the provisions of this article shall not apply thereto unless such law, having been reserved for the consideration of the President has received his assent.

(*2*) In this article,—

(*a*) the expression "estate" shall, in relation to any local area, have the same meaning as that expression or its local equivalent has in the existing law relating to land tenures in force in that area, and shall also include any *jagir, inam or muafi* or other similar grant;

(*b*) the expression "rights", in relation to an estate, shall include any rights vesting in a proprietor, sub-proprietor, under proprietor, tenure-holder or other intermediary and any rights or privileges in respect of land revenue."

5. Insertion of new article 31B.—After article 31A of the Constitution as inserted by section 4, the following article shall be inserted, namely:—

"31B. *Validation of certain Acts and Regulations.*—Without prejudice to the generality of the provisions contained in article 31A, none of the Acts and Regulations specified in the Ninth Schedule nor any of the provisions thereof shall be deemed to be void, or ever to have become void, on the ground that such Act, Regulation or provision is inconsistent with, or takes away or abridges any of the rights conferred by, any provisions of this Part, and notwithstanding any judgment, decree or order of any court or tribunal to the contrary each of the said Acts and Regulations shall, subject to the power of any competent Legislature to repeal or amend it, continue in force."

6. Amendment of article 85.—For article 85 of the Constitution, the following article shall be substituted, namely :—

"85. *Sessions of Parliament, prorogation and dissolution.*—(*1*) The President shall from time to time summon each House of Parliament to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(*2*) The President may from time to time—

(*a*) prorogue the Houses or either House;

(*b*) dissolve the House of the People."

7. Amendment of article 87.—In article 87 of the Constitution,—

(*1*) in clause (*1*), for the words "every session" the words "the first session after each general election to the House of the People and at the commencement of the first session of each year" shall be substituted;

(*2*) in clause (*2*), the words "and for the precedence of such discussion over other business of the House" shall be omitted.

8. Amendment of article 174.—For article 174 of the Constitution, the following article shall be substituted, namely :—

"174. *Sessions of the State Legislature, prorogation and dissolution.*—(*1*) The Governor shall from time to time summon the House or each House of the Legislature of State to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(*2*) The Governor may from time to time—

(*a*) prorogue the Houses or either House;

(*b*) dissolve the Legislative Assembly."

9. Amendment of article 176.—In article 176 of the Constitution,—

(*1*) in clause (*1*), for the words "every session" the words "the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year" shall be substituted;

(*2*) in clause (*2*), the words "and for the precedence of such discussion over other business of the House" shall be omitted.

10. Amendment of article 341.—In clause (*1*) of article 341 of the Constitution, for the words "may, after consultation with the Governor or Rajpramukh of a State," the words "may with respect to any State, and where it is a State specified in Part A or Part B of the First Schedule, after consultation with the Governor or Rajpramukh thereof," shall be substituted.

11. Amendment of article 342.—In clause *1.* of article 342 of the Constitution, for the words "may, after consultation with the Governor or Rajpramukh of a State," the words "may with respect to any State, and where it is a State specified in Part A or Part B of the First Schedule, after consultation with the Governor or Rajpramukh thereof," shall be substituted.

12. Amendment of article 372.—In sub-clause (*a*) of clause (*3*) of article 372 of the Constitution, for the words "two years" the words "three years" shall be substituted.

13. Amendment of article 376.—At the end of clause (1) of article 376 of the Constitution, the following shall be added, namely :—

"Any such Judge shall, notwithstanding that he is not a citizen of India, be eligible for appointment as Chief Justice of such High Court, or as Chief Justice or other Judge of any other High Court."

14. Addition of Ninth Schedule.—After the Eighth Schedule to the Constitution, the following Schedule shall be added, namely :—

"NINTH SCHEDULE

[*Article 31B*]

1. The Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950).

2. The Bombay Tenancy and Agricultural Lands Act, 1948 (Bombay Act LXVII of 1948).

3. The Bombay Maleki Tenure Abolition Act, 1949 (Bombay Act LXI of 1949).

4. The Bombay Taluqdari Tenure Abolition Act, 1949 (Bombay Act LXII of 1949).

5. The Panch Mahals Mehwassi Tenure Abolition Act, 1949 (Bombay Act LXIII of 1949).

6. The Bombay Khoti Abolition Act, 1950 (Bombay Act VI of 1950).

7. The Bombay Paragana and Kulkarni Watan Abolition Act, 1950 (Bombay Act LX of 1950).

8. The Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (Madhya Pradesh Act I of 1951).

9. The Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948).

10. The Madras Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1950 (Madras Act I of 1950).

11. The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (Uttar Pradesh Act I of 1951).

12. The Hyderabad (Abolition of Jagirs) Regulation, 1358F. (No. LXIX of 1358, Fasli).

13. The Hyderabad Jagirs (Commutation) Regulation, 1359F. (No. XXV of 1359, Fasli)."

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

WD 571—GPB—602—31-7-51.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

(HOME DEPARTMENT).

No. H.A. 3020—Pol. 132-51-2, dated Bangalore, the 26th June 1951.

In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Police Act, 1908 (Act V of 1908), His Highness the Maharaja of Mysore is pleased to extend the provisions of Section 56 of the Police Act, 1908, as amended from time to time, to the village of Melur, Sidlaghatta Taluk, Kolar District.

By Order of His Highness the Maharaja,

E. V. GANAPATI IYER,

Chief Secretary to Government.

No. 2889—Ml. 87-51-1, dated Bangalore, the 27th June 1951.

Whereas the term of Office of the Councillors of the Chennapatna Town Municipal Council constituted under the Mysore Town Municipalities Act, 1933 (Mysore Act VIII of 1933), is due to expire on the 30th day of June 1951;

And whereas it is expedient to reconstitute the said Town Municipal Council under the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951), after the Act is brought into force;

Now therefore in exercise of the powers conferred by Section 15 of the Mysore Town Municipalities Act, 1933, His Highness the Maharaja of Mysore is pleased to extend the term of Office of the Councillors of the said Town Municipal Council for a period of three months from the first day of July 1951 up to the first day of October 1951.

By Order of His Highness the Maharaja,

No. 2891—Ml. 38-51-1, dated Bangalore, the 27th June 1951.

Whereas the term of office of the Councillors of the Krishnarajanagar Town Municipal Council constituted under the Mysore Town Municipalities Act, 1933 (Mysore Act VIII of 1933) is due to expire on the 30th day of June 1951;

And whereas it is expedient to reconstitute the said Town Municipal Council under the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951), after the Act is brought into force;

Now therefore in exercise of the powers conferred by Section 15 of the Mysore Town Municipalities Act, 1933, His Highness the Maharaja of Mysore is pleased to extend the term of office of the Councillors of the said Town Municipal Council for a period of three months from 1st of July 1951 up to the first day of October 1951.

By Order of His Highness the Maharaja,

No. 2893—Ml. 41-51-1, dated Bangalore, the 27th June 1951.

Whereas the term of office of the Councillors of the Sakleshpur Town Municipal Council constituted under the Mysore Town Municipalities Act, 1933 (Mysore Act No. VIII of 1933), is due to expire on the 30th day of June 1951;

And whereas it is expedient to reconstitute the said Town Municipal Council after the provisions of the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951), are brought into force;

Now therefore in exercise of the powers conferred by Section 15 of the Mysore Town Municipalities Act, 1933 (Mysore Act VIII of 1933), His Highness the Maharaja of Mysore is pleased to extend the term of office of the members of the said Town Municipal Council from the 1st day of July 1951 up to the 1st day of October 1951.

By Order of His Highness the Maharaja,

No. 2933—Ml. 44-51-1, dated Bangalore, the 28th June 1951.

Whereas the term of Office of the Councillors of the Chitaldrug Town Minicipal Council constituted under the Mysore Town Municipalities Act, 1933 (Mysore Act VIII of 1933), is due to expire on 30th June 1951;

And whereas it is expedient to reconstitute the said Town Municipal Council under the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951), after the Act is brought into force;

Now therefore in exercise of the powers conferred by Section 15 of the Mysore Town Municipalities Act, 1933, as amended by the Mysore Act No. XXIV of 1951, His Highness the Maharaja of Mysore is pleased to extend the term of Office of the Councillors of the said Town Municipal Council for a period of three months from the 1st July 1951 up to the first day of October 1951.

By Order of His Highness the Maharaja,

No. 2935—Ml. 45-51-1, dated Bangalore, 28th June 1951.

Whereas the term of Office of the Councillors of the Shiralkoppa Minor Municipal Council constituted under the Mysore Minor Municipalities Act, 1933 (Mysore Act IX of 1933), is due to expire on the 30th day of June 1951;

And whereas it is expedient to reconstitute the said Minor Municipal Council under the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951), after the said Act is brought into force;

Now therefore in exercise of the powers conferred by Section 12 of the Mysore Minor Municipalities Act, 1933 (Mysore Act IX of 1933), as amended by the Mysore Minor Municipalities (Amendment) Ordinance, 1951, His Highness the Maharaja of Mysore is pleased to extend the term of Office of the Councillors of the said Minor Municipal Council for a period of three months from the first day of July 1951 up to the first day of October 1951.

By Order of His Highness the Maharaja,

No. L. 2938—Ml. 44-51-3, dated Bangalore, the 28th June 1951.

Whereas the term of Office of the Councillors of the Mayakonda Minor Municipal Council constituted under the Mysore Minor Municipalities Act, 1933 (Mysore Act IX of 1933), is due to expire on the 30th day of June 1951;

And whereas it is expedient to reconstitute the said Minor Municipal Council under the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951), after the said Act is brought into force;

Now therefore in exercise of the powers conferred by Section 12 of the Mysore Minor Municipalities Act, 1933 (Mysore Act IX of 1933), as amended by the Mysore Minor Municipalities (Amendment) Ordinance, 1951, His Highness the Maharaja of Mysore is pleased to extend the term of Office of the Councillors of the said Minor Municipal Council for a period of three months from the first day of July 1951 up to the first day of October 1951.

By Order of His Highness the Maharaja,

No. 2940—Ml. 44-51-2, dated Bangalore, 28th June 1951.

Whereas the term of Office of the Councillors of the Hosadurga Minor Municipal Council constituted under the Mysore Minor Municipalities Act, 1933 (Mysore Act IX of 1933), is due to expire on the 30th day of June 1951;

And whereas it is expedient to reconstitute the said Minor Municipal Council under the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951), after the said Act is brought into force;

Now therefore in exercise of the powers conferred by Section 12 of the Mysore Minor Municipalities Act, 1933 (Mysore Act IX of 1933), as amended by the Mysore Minor Municipalities (Amendment) Ordinance, 1951, His Highness the Maharaja of Mysore is pleased to extend the term of Office of the Councillors of the said Minor Municipal Council for a period of three months from the first day of July 1951 up to the first day of October 1951.

By Order of His Highness the Maharaja,

No. 2942—Ml. 44-51-4, Bangalore, dated the 29th June 1951.

In exercise of the powers conferred by Section 12 of the Mysore Minor Municipalities Act, 1933, (Mysore Act IX of 1933), His Highness the Maharaja of Mysore is pleased to extend the term of Office of the Councillors of the Turuvanur Minor Municipal Council for a further period of three months from the 1st day of July 1951.

By Order of His Highness the Maharaja,

M. S. SWAMINATHAN,
Secretary to Government,
Local Self-Government Department.

No. L.S. 1264—L.W. 78-51-1, dated Bangalore, the 30th June 1951.

The draft of the following rules, which it is proposed to make in exercise of the powers conferred by Section 30 of the Minimum Wages Act, 1948 (Central Act XI of 1948), is hereby published for the information of all persons likely to be affected thereby as required by the said section.

Notice is hereby given that the draft will be taken into consideration after one month from the date of publication of these rules in the *Mysore Gazette.*

Objections or suggestions, if any, to the Draft Rules, may be forwarded to the Secretary to Government, Law Department, through the Commissioner of Labour, for consideration, so as to reach him within the said period.

By Order of His Highness the Maharaja

N. R. JAYA RAO,
Secretary to Government,
Law Department.

MINIMUM WAGES ACT, 1948.

1. *Short title.*—(1) These Rules may be called the Mysore Minimum Wages Rules, 1951.

2. *Interpretation.*—In these rules, unless there is anything repugnant in the subject or context—

(*a*) "Act" means the Minimum Wages Act, 1948;

(*b*) "Advisory Committee" means an Advisory Committee appointed under Section 6 and includes an Advisory sub-committee appointed under that section;

(c) "Authority" means the authority appointed under sub-section (1) of section 20;

(d) "Board" means the Advisory Board appointed under section 7;

(e) "Chairman" means the Chairman of the Advisory Board, the Committee or the Advisory Committee, as the case may be, appointed under section 9;

(f) "Committee" means a Committee appointed under clause (a) of sub-section (1) of section 5, and includes a sub-committee appointed under that section;

(g) "Form" means a form appended to these rules;

(h) "Government" means the State Government;

(i) "Inspector" means a person appointed as Inspector under section 19;

(j) "Section" means a Section of the Act;

(k) All other words and expressions used herein and not defined shall have the meaning respectively, assigned to them under the Act.

CHAPTER II.

MEMBERS AND STAFF, AND MEETINGS OF THE BOARD COMMITTEE AND ADVISORY COMMITTEE.

3. *Term of office of the members of the Committee and the Advisory Committee.*—The term of office of the members of the Committee or an Advisory Committee shall be such as in the opinion of the Government is necessary for completing the enquiry into the scheduled employment concerned and the Government may, at the time of the constitution of the Committee or an Advisory Committee, as the case may be, fix such terms and may, from time to time, extend it as circumstances may require.

4. *Term of office of members of the Board.*—(1) Save as otherwise expressly provided in these rules, the term of office of a non-official member of the Board, shall be *two years* commencing from the date of his nomination:

Provided that such member shall, notwithstanding the expiry of the said period of *two years* continue to hold office until his successor is nominated.

(2) A non-official member of the Board nominated to fill a casual vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.

(3) The official members of the Board shall hold office during the pleasure of the Government.

5. *Travelling allowance.*—A non-official member of the Committee, an Advisory Committee or the Board shall be entitled to draw travelling and daily allowances for any journey performed by him in connection with his duties as such member at the rates and subject to the conditions applicable to a Government servant of the first class under the Mysore Service Regulations.

6. *Staff.*—(1) The Government may appoint a Secretary to the Committee, an Advisory Committee or the Board, and such other staff as it may think necessary, and may fix the salaries and allowances payble to them and specify their conditions of service.

(2) (i) The Secretary shall be the Chief Executive Officer of the Committee, the Advisory Committee or the Board, as the case may be. He may attend the meetings of such Committee, Advisory Committee or Board but shall not be entitled to vote at such meetings.

(ii) The Secretary shall assist the Chairman in convening meetings and shall keep a record of the minutes of such meetings and shall take necessary measures to carry out the decisions of the Committee the Advisory Committee or the Board, as the case may be.

7. *Eligibility for renomination of the members of the Committee, Advisory Committee and the Board.*—An out-going member shall be eligible for renomination for the membership of the Committee, Advisory Committee or the Board, of which he was a member.

8. *Resignation of the Chairman and Members of the Committee, Advisory Committee and the Board and filling of casual vacancies.*—(1) A member of the Committee, Advisory Committee or the Board other than the Chairman may, by giving notice in writing to the Chairman, resign his membership.

(2) The Chairman may resign by letter addressed to the Government.

(3) When a vacancy occurs or is likely to occur in the membership of the Committee, Advisory Committee or the Board, the Chairman shall submit a report to the Government immediately. The Government shall then take steps to fill the vacancy.

9. *Cessation and restoration of membership.*—(1) If a member of the Committee, Advisory Committee or the

Board fails to attend three consecutive meetings, he shall subject to the provisions of sub-rule (2), cease to be a member thereof.

(2) A person, who ceases to be a member under sub-rule (1) shall be given intimation of such cessation by a letter sent to him by registered post within fifteen days from the date of such cessation. The letter shall indicate that if he desires restoration of his membership, he may apply therefor within thirty days from the receipt of such letter. The application for restoration of membership, if received within the said period, shall be placed before the Committee, the Advisory Committee or the Board, as the case may be, and if a majority of members present at the next meeting is satisfied that the reasons for failure to attend three consecutive meetings are adequate, the member shall be restored to membership immediately after a resolution to that effect is adopted.

10. *Disqualification.*—(1) A person shall be disqualified for being *nominated* as, and for being a member of the Committee, Advisory Committee or the Board, as the case may be,—

(i) if he is declared to be of unsound mind by a competent court; or

(ii) if he is an undischarged insolvent; or

(iii) if before or after the commencement of the Act, he has been convicted of an offence involving moral turpitude.

(2) If any question arises whether a disqualification has been incurred under sub-rule (1) the decision of the Government thereon shall be final.

11. *Meetings.*—The Chairman may, subject to the provisions of rule 12, call a meeting of the Committee Advisory Committee or the Board, as the case may be, at any time he thinks fit:

Provided that on a requisition in writing from not less than one-half of the members the Chairman shall call a meeting within fifteen days from the date of the receipt of such requisition.

12. *Notice of meetings.*—The Chairman shall fix the date, time and place of every meeting, and a notice in writing containing the aforesaid particulars along with a list of business to be conducted at the meeting shall be sent to each member by registered post at least *fifteen days* before the date fixed for such meeting:

Provided that in the case of an emergent meeting, notice of *seven days* only may be given to every member.

13. *Chairman.*—(1) The Chairman shall preside at the meetings of the Committee, Advisory Committee or the Board, as the case may be.

(2) In the absence of the Chairman at any meeting the members shall elect from amongst themselves by a majority of votes, a member, who shall preside at such meeting.

14. *Quorum.*—No business shall be transacted at any meeting unless at least one-third of the members are present:

Provided that if at any meeting less than one-third of the members are present, the Chairman may adjourn the meeting to a date not later than seven days from the date of the original meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members present.

15. *Disposal of business.*—All business shall be considered at a meeting of the Committee, Advisory Committee or the Board, as the case may be, and shall be decided by a majority of the votes of the members present and voting. *In the event of an equality of votes the Chairman shall have a casting vote:*

Provided that the Chairman may, if he thinks fit, direct that any matter shall be decided by the circulation of necessary papers and by securing written opinion of the members:

Provided further that no decision on any matter under the preceding proviso shall be taken, unless supported by not less than a two-thirds majority of the members.

16. *Method of voting.*—Voting shall ordinarily be by show of hands, but if any member asks for voting by ballot, or if the Chairman so decides, the voting shall be by secret ballot and shall be held in such manner as the Chairman may decide.

17. *Proceedings of the meeting.*—(1) The proceedings of each meeting showing *inter alia* the names of the members present thereat shall be forwarded to each member and to the Government as soon after the meeting as possible and in any case, not less than seven days before the next meeting.

(2) The Proceedings of each meeting shall be confirmed with such modifications, if any as may considered necessary at the next meeting.

CHAPTER III.

SUMMONING OF WITNESSES BY THE COMMITTEE, ADVISORY COMMITTEE AND THE BOARD AND PRODUCTION OF DOCUMENTS.

18. *Summoning of witnesses and production of documents.*—(1) A Committee, Advisory Committee or the Board may summon any person to appear as a witness in the course of an enquiry. Such summons may require a witness to appear before it on a date specified therein and to produce any books, papers or other documents and things in his possession or under his control relating in any manner to the enquiry.

(2) A summons under sub-rule (1) may be addressed to an individual or an organisation of employers or a registered trade union of workers.

(3) A summons under this rule may be served—

(i) in the case of an individual, by being delivered or sent to him by registered post;

(ii) in the case of an employers' organisation or a registered trade union of workers, by being delivered or sent by registered post to the secretary or other principal officer of the organisation or union, as the case may be.

(4) The provision of the Code of Civil Procedure, 1908, relating to the summoning and enforcement of the appearance of witnesses and the production of documents shall, so far as may be, apply to proceedings before a Committee, Advisory Committee or the Board.

19. *Expenses of witnesses.*—Every person who is summoned and appears as a witness before the Committee, the Advisory Committee or the Board shall be entitled to an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowances to witnesses appearing in civil courts in the State.

CHAPTER IV.

COMPUTATION AND PAYMENT OF WAGES, HOURS OF WORK AND HOLIDAYS.

20. *Mode of computation of the cash value of wages.*—The retail prices at the nearest market shall be taken into account in computing the cash value of wages paid in kind and of essential commodities supplied at concession rates. This computation shall be made in accordance with such directions as may be issued by the Government from time to time.

21. *Time and conditions of payment of wages and the deductions permissible from wages.*—(1) (i) The wage period with respect to any scheduled employment for which wages have been fixed *shall not exceed one month* and the wages of a worker in such employment shall be paid

(*a*) in the case of establishments in which less than one thousand persons are employed before the expiry of the seventh day, and

(*b*) in the case of other establishments before the expiry of the tenth day, after the last day of the wage period in respect of which the wages are payable.

(ii) Where the employment of any person is terminated by or on behalf of the employer, the wages earned by him shall be paid before the expiry of the second working day after the day on which his employment is terminated.

(iii) The wages of an employed person shall be paid to him without deduction of any kind except those authorised by or under these rules.

Explanation.—Every payment made by the employed person to the employer or his agent shall, for the purposes of these rules, be deemed to be a deduction from wages.

(2) Deductions from the wages of a person employed in a scheduled employment shall be of one or more of the following kinds, namely:—

(i) fines;

(ii) deductions for absence from duty;

(iii) deductions for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money for which

he is required to account, where such damage or loss is directly attributable to his neglect or default;

(iv) deductions for house accommodation supplied by the employer;

(v) deductions for such amenities and services supplied by the employer as the Government, may by general or special order authorise.

Explanation.—The words 'amenities and services' in this clause do not include the supply of tools and protectives required for the purposes of employment;

(vi) deductions for recovery of advances or for adjustment of over-payments of wages:

Provided that such advances do not exceed an amount equal to wages for two calendar months of the employed person and, in no case, shall the monthly instalment of deduction exceed one-fourth of the wages earned in that month;

(vii) deductions of income-tax payable by the employed person;

(viii) deductions required to be made by order of a court or other competent authority;

(ix) deductions for subscriptions to, and for repayment of advances from any provident fund to which the Provident Fund Act, 1925, applies or any recognised provident fund as defined in section 58A of the Indian Income-Tax Act, 1922, or any provident fund approved in this behalf by the Government during the continuance of such approval;

(x) deductions for payment to co-operative societies or to a scheme of insurance approved by the Government.

(3) Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss caused by him shall explain to him personally and also in writing the act or omission or the damage or loss, in respect of which the fine or deduction is proposed to be imposed or made and give him an opportunity to offer any explanation in the presence of another person. The amount of the said fine or deduction shall also be intimated to him.

(4) The amount of fine or deduction mentioned in sub-rule (3) shall be such as may be specified by the Government. All such deductions, and all realisation thereof shall be recorded in a register maintained in Form I, II and III, as the case may be. *A return in Form III shall be submitted* annually by the employer.

(5) The amount of fine imposed under sub-rule (3) shall be utilised in accordance with the directions of the Government.

(6) Nothing in this rule shall be deemed to affect the provisions of the Payment of Wages, Act, 1936.

22. *Publicity to the minimum wage fixed under the Act.*—Notices containing the minimum rates of wages fixed together with extracts from the Act, the rules made thereunder and the name and address of the Inspector shall be displayed in English and in a language understood by the majority of the workers in the employment at such place as may be selected by the Inspector and shall be maintained in a clean and legible condition. Such notices shall also be displayed on the notice boards of all Sub-Divisional and District Offices.

23. *Weekly Holidays.*—(1) Unless otherwise permitted by Government, no worker shall be required or allowed to work in a scheduled employment, on the first day of the week (hereinafter referred to as the said day) except when he has or will have a holiday for the whole day on one of the five days immediately before or after the said day *for which he shall receive payment equal to his average daily wages during the preceding week*:

Provided that the weekly holiday may be substituted by another day:

Provided further that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

(2) Where in accordance with the provision of sub-rule (1) any worker works on the said day and has had a holiday on one of the five days immediately preceding it, the said day shall, for the purposes of calculating his weekly hours of work, be included in the preceding week.

Explanation.—For the purposes of this rule 'week' shall mean a period of seven days beginning at midnight on Saturday night.

24. *Number of hours of work which shall constitute a normal working day*:—

(1) The number of hours which shall constitute a normal working day shall be—

(*a*) in the case of an adult, nine hours;

(*b*) in the case of a child, four and a half hours.

(2) The working day of an adult worker shall be so arranged that inclusive of the intervals for rest, if any, it shall not spread over more than twelve hours on any day.

(3) The number of hours of work in the case of an adolescent shall be the same as that of an adult or a child according as he is certified to work as an adult or a child by a competent medical practitioner approved by the Government.

(4) The provisions of sub-rules (1) to (3) shall, in the case of workers in agricultural employment, be subject to such modifications as may, from time to time be notified by the Government.

25. *Extra wages for overtime.*—(1) When a worker works in an employment for more than nine hours on any day or for more than forty-eight hours in any week, he shall, in respect of overtime work, be entitled to wages,

(*a*) in the case of employment in agriculture, at one and a half time the ordinary rate of wages,

(*b*) in the case of any other scheduled employment, at double the ordinary rate of wages.

Explanation.—The expression "ordinary rate of wages" means the basic wage *plus* such allowances including the cash equivalent of the advantages accruing through the concessional sale to the person employed of foodgrains and other articles as the person employed is for the time being entitled to but does not include a bonus.

(2) A register showing overtime payments shall be kept in Form IV.

26. *Form of registers and records.*—(1) A register of wages shall be maintained by every employer and kept in such form as may be notified by the Government and shall include the following particulars:—

(*a*) the minimum rates of wages payable to each person employed;

(*b*) the number of days for which each employed person worked overtime for each wage period;

(*c*) the gross wages of each person employed for each wage period ;

(*d*) all deductions made from wages with an indication, in each case, of the kinds of deductions mentioned in sub-rule (2) of Rule 21 ;

(*e*) the wages actually paid to each person employed for each wage period and the date of payment.

(2) Wage slips containing the aforesaid particulars and such other particulars as may be notified by the Government shall be issued by every employer to every person employed by him at least a day prior to the disbursement of wages.

(3) Every employer shall get the signature or the thumb impression of every person employed on the wages book and wage slip.

(4) Entries in the wage books and wage slips shall be authenticated by the employer or any person authorised by him in this behalf.

(5) A Muster Roll shall be maintained by every employer and kept in Form V.

CHAPTER V.

CLAIMS UNDER THE ACT.

27. *Application.*—An application under sub-section (2) of Section 20 or sub-section (1) of Section 21, by or on behalf of an employed person or group of employed persons, shall be made in duplicate in Forms VI and VII, as the case may be.

28. *Authorisation.*—The authorisation to act on behalf of an employed person or persons, under sub-section (2) of Section 20 or of sub-section (1) of Section 21 shall be given in Form VIII by an instrument which shall be presented to the authority hearing the application and shall form part of the record.

29. *Appearance of parties.*—(1) If an application under sub-section (2) of Section 20 or Section 21 is entertained, the Authority shall serve upon the employer by registered post a notice in Form IX to appear before him on a specified date with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the authority may hear and determine the application *ex-parte*.

(3) If the applicant or his representative fails to appear on the specified date, the authority may dismiss the application.

(4) An order passed under sub-rule (2) or sub-rule (3) may be set aside on sufficient cause being shown by the defaulting party within one month of the date of the said order, and the application shall then be reheard after service of notice on the opposite party of the date fixed for re-hearing, in the manner specified in sub-rule (1).

CHAPTER VI.

SCALE OF COSTS IN PROCEEDINGS UNDER THE ACT.

30. *Costs.*—(1) The Authority, for reasons to be recorded in writing, may direct that the cost of any proceeding pending before it shall not follow the event.

(2) The costs which may be awarded shall include—

(*i*) expenses incurred on account of court-fees;

(*ii*) expenses incurred on subsistence money to witnesses, and

(*iii*) pleader's fees to the extent of ten rupees provided that the Authority in any proceeding, may reduce the fees to a sum not less than five rupees or for reasons to be recorded in writing increase it to a sum not exceeding twenty-five rupees.

(3) Where there are more than one pleader or more than one applicant or opponent, the Authority may, subject as aforesaid, award to the successful party or parties such costs as it may deem proper.

31. *Court fees.*—The Court fee payable in respect of proceedings under Section 20 shall be—

(*i*) for every application to summon a witness—one rupee in respect of each witness;

(*ii*) for every application made by or on behalf of an individual—one rupee:

Provided that the Authority may, if in its opinion, the applicant is a pauper exempt him wholly or partly from the payment of such fees:

Provided further that no fee shall be chargeable—

(*a*) from persons employed in agriculture; or

(*b*) in respect of an application made by an Inspector.

FORM I

REGISTER OF FINES.

Rule 21 (4)

.....Employer.....

Sl. No.	Name	Father's/ Husband's Name	Sex	Department	Nature and date of the offence for which fine imposed	Whether workman showed cause against fine or not. If so, enter date	Rate of wages	Date and amount of fine imposed	Date on which fine realised	Remarks
1	2	3	4	5	6	7	8	9	10	11

FORM II

Rule 21 (4).

REGISTER OF DEDUCTIONS FOR DAMAGE OR LOSS CAUSED TO THE EMPLOYER BY THE NEGLECT OR DEFAULT OF THE EMPLOYED PERSONS.

.....Employer.....

Sl. No.	Name	Father's/ Husband's Name	Sex	Department	Damage or loss caused with date	Whether worker showed cause against deduction. If so, enter date	Date and amount of deduction imposed	Numbers of instalments, if any	Date on which total amount realised	Remarks
1	2	3	4	5	6	7	8	9	10	11

FORM III

Rule 21 (4)

DEDUCTION FROM WAGES

Return for the year ending the 31st December.....

1. Name of the employer and postal address.....

2. Total number of persons employed | Adults..... / Children.....

3. Total wages paid.....

4. Number of cases and amounts realised as :—

	No. of cases	Amount
(*a*) Fines.....		
(*b*) Deductions for damage or loss.....		
(*c*) Deductions for breach contract.....		

5. Disbursement from Fine Fund :—

Amount	Purpose
Rs.	

Signature.....

Dated.....195.

Designation.....

676

FORM IV.

Rule 25 (2).

OVERTIME REGISTER FOR WORKERS.

Month ending.....195

Serial No.	Name	Father's/Husband's Name	Sex	Designation and Department	Dates on which overtime worked	Extent of overtime on each occasion	Total overtime worked or production case of piece-workers	Normal hours	Normal rate	Overtime rate	Normal earnings	Overtime earnings	Total earnings	Date on which overtime payments made
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

FORM V.

Rule 26 (5).

MUSTER ROLL.

Name of Establishment..... .....Place.....

Sl. No.	Name	Father's/ Husband's name	Sex	Nature of work	For the period ending...								Remarks
					1	2	3	4	5				

FORM VI.

[FORM OF APPLICATION BY AN EMPLOYEE UNDER SECTION 20 (2).]

In the Court of the Authority appointed under the Minimum Wages Act, 1948, for.....Area.

Application No. of 19 .

(1).....
(2).....} Applicant (s)
(3).....

(through..... .....a Legal Practitioner .....official of .....Union which is registered Trade Union.

Address .....

versus

(1).....
(2).....} Opponents.
(3).....

Address.....

The applicant (s) abovenamed beg (s) respectfully to submit as follows :—

(1) that.....

(2) that.....

The applicant (s) has (have) been paid wages at less than the minimum rate of wages.

The applicant (s) estimate (s) the value of the relief sought by him (them) at the sum of Rs.....

The applicant (s) pray (s) that a direction may be issued under sub-section (3) of Section 20 for :—

(*a*) Payment of the difference between the wages due according to the minimum rate of wages fixed by Government and the wages actually paid, and

(*b*) Compensation amounting to Rs.....

The applicant (s) beg (s) leave to amend or add to or make alterations in the application if any and when necessary.

Date... .....

Signature or thumb impression of the employee (s), legal practitioner or official of a registered Trade Union duly authorised.

The applic ant (s) do (es) solemnly declare that what is stated above is true to the best of his (their) knowledge, belief and information.

This verification is signed at.....*on.....day of.....19 .

Signature or thumb impression of the employee (s) or legal practitioner or official of a registered Association duly authorised.

* When the application is by a group of employees, the thumb impression or signatures of two of the applicants need be put to the application and a full list of applicants should be attached to the application.

FORM VII.

[FORM OF APPLICATION BY AN INSPECTOR OR PERSON ACTING WITH THE PERMISSION OF THE AUTHORITY UNDER SECTION 20 (2)].

In the Court of the authority appointed under the Minimum Wages Act, 1948, for.....area.

Application No. of 19

(1).....Applicant.

Address.....

versus

(1).....Opponent.

Address.....

The applicant above-named begs respectfully to submit as follows:-

(1) that

(2) that

The opponent is bound to pay wages at the minimum rate of wages fixed by Government but he has paid less wages to the following employees :—

(1).....

(2).....

(3).....

The applicant estimates the value of the relief sought for the employees at the sum of Rs.....

The applicant prays that a direction may be issued under sub-section (3) of Section 20 for:—

(*a*) Payment of the difference between the wages due according to the minimum rate of wages fixed by Government and the wages actually paid, and

(*b*) Compensation amounting to Rs.....

The applicant begs leave to amend or add to or make alterations in the application if and when necessary.

Date..... Signature.....

The applicant does solemnly declare that what is stated above is true to the best of his knowledge, belief and information. This verification is signed at.....on.....day.....19 .

FORM VIII.

[FORM OF AUTHORITY IN FAVOUR OF A LEGAL PRACTITIONER OR ANY OFFICIAL OF REGISTERED TRADE UNION REFERRED TO IN SECTION 20 (2)].

In the Court of the Authority appointed under the Minimum Wages Act, 1948 for Area.

Application No. of 19 .

(1).....
(2).....
(3).....
} Applicant (s)

versus

(1).....
(2).....
(3).....
} Opponent (s)

I hereby authorise Mr....., a legal practitioner, an official of the registered trade union of.....to appear and act on my behalf in the above described proceeding and to do all things incidental to such appearing and acting.

Date.....

Signature or thumb impression of the employee.

FORM IX.

[FORM OF SUMMONS TO THE OPPONENT TO APPEAL BEFORE THE AUTHORITY WHEN AN APPLICATION UNDER SUB-SECTION (2) OF SECTION 20 OR UNDER SECTION 21 IS ENTERTAINED].

(Title of the application.)

To.....

(Name, description and place of residence.)

WHEREAS.....has made the above said application to me under the Minimum Wages Act, 1948, you are hereby summoned to appear before me in person or by a duly authorised agent, and able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all such questions, on the.....day of.....19.....at.....o'clock in the .....noon, to answer the claim; and as the day fixed for the appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence.

Take notice that in default of your appearance on the day before mentioned, the application will be heard and determined in your absence.

Date.....

Signature of the Authority.

No. L.D. 657—L.A. 1-51-5, Bangalore, dated 30th June 1951.

In exercise of the powers conferred by sub-sections (1) and (2) of Section 5 of the Mysore Payment of Salaries and Allowances to Members of the Legislative Assembly Act, 1951, (Mysore Act II of 1951), His Highness the Maharaja of Mysore is pleased to direct that the following further amendment shall be made in the Mysore Legislative Assembly (Members' Salaries and Allowances) Rules, 1951, namely :—

For Rule 4 of the said Rules, the following rules shall be substituted, namely,—

"4. (1) Salary bills shall be paid only upon the claim of a member.

(2) The Secretary to the Assembly shall forward to the Accountant-General,—

(*a*) specimen signature of the members countersigned by the Secretary ; and

(*b*) in the case of—

(i) members residing in the City of Bangalore the name of the treasury or bank at which the salary bill of each member has to be paid ;

(ii) in the case of members other than those residing in the City of Bangalore, the name of the treasury nearest to the ordinary place of residence of each member at which the salary bill of such member has to be paid.

(3) The salary bill shall be prepared by the member concerned and—

(*a*) in the case of members residing in the City of Bangalore forward to the Accountant-General ;

(*b*) in the case of members other than those residing in the City of Bangalore presented to the Treasury Officer of the treasury at which the bill is payable.

(4) A member shall record in his salary bill a certificate that he continued to be a member of the Legislative Assembly for the period for which the salary is drawn.

4-A. When a person ceases to be a member of the Legislative Assembly either by resignation, death or

otherwise, the Secretary to the Assembly shall inform the Accountant-General the date on which such person ceased to be a member.

4-B. The salary and allowances due to a deceased member may be paid to the claimant of the estate of the deceased member without the production of the usual legal authority,—

(*a*) where the sum claimed is less than Rs. 500 if the Deputy Commissioner of the District in which the member has his ordinary place of residence, after such enquiry as he deems sufficient into the claimant's right and title, certifies the claimant to be the proper person to receive such payment, and

(*b*) where the claim is in excess of Rs. 500 under the orders of the State Government on the execution of an indemnity bond with such sureties as they may require."

By Order of His Highness the Maharaja,

No. L.S. 1266—L.W. 79-51-1, Bangalore, dated the 30th June 1951.

Whereas it is intended to extend after a period of three months from the date of publication of this Notification in the *Mysore Gazette* all the provisions of the Payment of Wages Act, 1936, (Central Act No. IV of 1936), to the payment of wages to all classes of persons employed in the Tramway Service connected with the Mysore Iron and Steel Works, Bhadravati.

Now therefore, notice of such intention is hereby ven as required by sub-section (5) of Section 1 of the d Act.

By Order of His Highness the Mabaraja,

N. R. JAYA RAO,

Legal Remembrancer and

Secretary to Government,

Law Department.

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No. S.R. 1928—Ex. 24-51-6, Bangalore, dated 29th June 1951.

In exercise of the powers conferred by Clause (b) of sub-section (3) of Section 1 of the Mysore Prohibition Act, 1948 (XXXVII of 1948), His Highness the Maharaja of Mysore is pleased to appoint the First day of July 1951 as the date on which the provisions of the said Act (other than Sections 1, 3 and 7 which have already come into force) shall come into force in the taluks of Ramanagaram and Channapatna of Bangalore District.

By Order of His Highness the Maharaja

T. RANGAMALLIAH,

Secretary to Government,
Revenue Department.